

candidate seeks to quietly bypass the kerfuffle en route to the GOP nod. State Rep. Mike Braun has flooded his war chest with nearly \$800,000 of his own money and raised \$200,000 more, mostly from business associates of his automotive supply business.

Schumer to visit WV for fundraiser
Jake Zuckerman, Charleston Gazette-Mail

One of the highest ranking congressional Democrats will visit West Virginia in November for a fundraiser hosted by the state Democratic Party. Senate Minority Leader Chuck Schumer, D-N.Y., will attend the annual dinner on Nov. 3 at the Charleston Civic Center, according to a news release from the party.

House

Rep. Tim Murphy announces he will not seek re-election
Tracie Mauriello and Chris Potter, Pittsburgh Post-Gazette

Congressman Tim Murphy announced Wednesday that he will not seek re-election. "After discussions with my family and staff, I have come to the decision that I will not seek reelection to Congress at the end of my current term," the Upper St. Clair Republican said in a statement.

Bannon Backs Grimm, Ex-Congressman and Felon, in G.O.P. Challenge
Shane Goldmacher, The New York Times

Michael Grimm, who is trying to win back his old House seat after serving time in federal prison, secured a notable new supporter on Wednesday: Stephen K. Bannon, President Trump's former chief strategist, who has sought to bolster the candidacies of populist outsiders since leaving the White House. The two met at Mr. Bannon's Capitol Hill townhouse on Wednesday afternoon, three days after Mr. Grimm

announced he was challenging Representative Dan Donovan of Staten Island for the Republican nomination in New York City's last G.O.P.-held congressional seat.

**South Carolina Democrat Archie Parnell Making 2018
Announcement**
Simone Pathé, Roll Call

South Carolina Democrat Archie Parnell is set to make a "major announcement" on Oct. 9 in his hometown of Sumter about his 2018 plans, raising the likelihood that he will make another run for the Palmetto State's 5th District. Parnell will also appear at a kickoff event for the York County Democratic Party in Rock Hill the same day.

States

**Democrat Northam leads Republican Gillespie in race for
Virginia governor, new poll finds**
Gregory S. Schneider and Scott Clement, The Washington Post

A relatively unified party base gives Democrat Ralph Northam a clear lead over Republican Ed Gillespie heading into the final month of the Virginia governor's race, according to a new Washington Post-Schar School poll. Northam leads Gillespie by 53 percent to 40 percent among likely voters, with 4 percent supporting Libertarian Cliff Hyra.

School bullies could face criminal charges under Ohio bill
Jessie Balmert, Cincinnati Enquirer

School bullies who repeatedly torment their victims would face criminal charges under a new proposal from a Democratic lawmaker. Bullying can lead to violence, retaliation and even suicide, said Sen. Sandra Williams,

D-Cleveland, who said she recently intervened when a relative was repeatedly bullied at school.

Missouri's Greitens Campaigns for Fellow Republicans
The Associated Press

Missouri Gov. Eric Greitens is traveling to Virginia to support fellow Republican Ed Gillespie's campaign for governor. Greitens' spokesman Parker Briden on Wednesday confirmed the first-time elected official's attendance as the featured speaker at the early Thursday event.

NC House wants to examine MLS stadium idea. A Senate leader isn't sold
Paul A. Specht, The News & Observer

Two months after a soccer franchise owner announced his hopes to build a stadium on state-owned land in downtown Raleigh, state leaders are responding with proposed legislation. The North Carolina Football Club, which wants to jump from a second-tier league to Major League Soccer, in July unveiled a proposal to build a \$150 million stadium and entertainment complex at the corner of Salisbury and Peace streets in downtown Raleigh.

Advocacy

Facebook fights back
David McCabe and Sara Fischer, Axios

Facebook is stepping up its offensive to respond to questions about the role it played in Russian meddling in the 2016 presidential election. The moves come as it prepares to testify on Capitol Hill.

Reddit hires first lobbyists
Harper Neidig, The Hill

The message board site Reddit has hired its first federal lobbyists, according to disclosure forms obtained this week. The move comes while lawmakers are increasingly scrutinizing web platform use by political entities.

The UAE Secretly Picked Up the Tab for the Egyptian Dictatorship's D.C. Lobbying
Zaid Jilani, The Intercept

When Egypt went to work to establish the credibility of its repressive government in Washington, it had help from the United Arab Emirates Ambassador to the United States, Yousef Al Otaiba. Emails obtained by The Intercept show that Otaiba and the UAE essentially picked up the tab for Egypt's lobbyists in Washington, D.C.

A Message from the Electronic Payments Coalition:

The evidence is mounting: There are now at least a dozen studies that illustrate the failure of the Durbin amendment. In fact, a recent paper from Federal Reserve economists provides empirical evidence of harm to the consumer. Get the facts from the Electronic Payments Coalition.

Opinions, Editorials and Perspectives

The Gun Control Mirage
The Editorial Board, The Wall Street Journal

Stephen Paddock's motives for his murderous rampage in Las Vegas on Sunday still aren't known, and neither are all the details of his plans and methods. But since our friends on the left have decided to make this a

debate over gun control, someone has to explain why their familiar solutions won't stop mass shootings.

Donald Trump's Foreign Policy Circus
The Editorial Board, The New York Times

Another day, another embarrassing foreign policy circus in the nation's capital that can only further erode trust in American leadership at home and abroad. At its center is Rex Tillerson, who traded his job as top dog at the oil giant ExxonMobil to become secretary of state, only to find himself substantively and personally undercut by President Trump as recently as Sunday on the issue of Korea, where Mr. Tillerson wanted negotiations as Mr. Trump threatened war.

This GOP tax proposal isn't fair. Here's what would be.
Editorial Board, The Washington Post

Gary Cohn, a Trump administration cheerleader for tax reform, said recently that the administration is "trying to get rid of all of the loopholes and all of the deductions that mostly wealthy people use." Unfortunately, that is not the case.

Election Officials Attacked From All Sides on Purging Voter Rolls
Rebecca Beitsch, The Pew Charitable Trusts

Local and state election officials have long faced the difficult task of facilitating one of democracy's central tenets: figuring out who to take off outdated voter rolls without disenfranchising eligible voters. Increasingly, though, officials find themselves caught in the middle as competing interest groups from the right and left work - often through the court system - to influence how thousands of local election officials do their jobs.

A Message from the Electronic Payments Coalition:

In a recent paper, Federal Reserve economists confirm what many industry experts have said before: The Durbin amendment harms consumers. There are now at least a dozen studies that illustrate why this failed policy must be repealed. Learn the truth from EPC.

Research Reports and Polling

???Disaster Relief: America's Response to Recent Hurricanes **The Associated Press and NORC**

In the aftermath of the recent devastating hurricanes about half of Americans approve of how President Trump has handled disaster relief for the victims within the United States, but just a third approve of his response to those impacted in the U.S. territories, according to a new poll by The Associated Press-NORC Center for Public Affairs Research. Nearly half disapprove of his handling of disaster relief in Puerto Rico and the U.S. Virgin Islands.



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From: Government Relations Team
Sent: Thursday, October 5, 2017 4:03 PM
To: Rep93
Subject: The Leaflet: Special Invitation

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the leaflet

Weekly policy updates from
THE HEARTLAND INSTITUTE 

Special Invitation: 2017 Emerging Issues Forum

*"Absolutely one of the best forums I have attended."
-- Tennessee State Representative Sheila Butt*

The Heartland Institute would like to invite you to its 2017 Emerging Issues Forum and America First Energy Conference, which will be held November 7-9 at the J.W. Marriott Hotel in Houston, Texas.

The Emerging Issues Forum (EIF) will look to the future and explore state public policies in the areas of economics, education, health care, and more. Immediately following EIF, Heartland will host the America First Energy Conference. This event will examine President Donald Trump's bold proposal to transform the United States' energy goals beyond mere energy independence and determine where America stands today in the global energy market.



During these two conferences, elected officials, policy analysts, and government affairs professionals from more than 25 states will convene in Texas to explore innovative solutions to the top policy issues facing the states in 2018 and beyond.

Admission is free for elected officials and legislative staff. Registration includes admission to the forum and conference. The Heartland Institute also has a limited number of travel scholarships and complimentary accommodations at the host hotel still available for state lawmakers who become members of Heartland's Legislative Forum. If you are not currently a member of the Legislative Forum, membership is only \$99 for two years and \$179 for a lifetime - it pays for itself!

Below is just a small sample of what will be covered at the events:

Health Care. There are many steps states can take to encourage competition and reduce the cost of health care, despite federal inaction on Obamacare. Solutions that will be discussed include how states can use the waiver process to get more flexibility from federal Obamacare and Medicaid requirements. The panel will also discuss certificate of need laws, dental health care, and direct primary care.

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Budget and Tax. In recent months and years, some states have been passing right-to-work laws, lowering taxes, and reforming their public pension systems, while others have been increasing taxes and adding regulations. This panel will discuss which policies are working and which are failing.

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Education. Education outcomes in America continue to lag compared to other industrialized nations, but educational choice options such as education savings accounts and charter schools continue to expand in many states. This panel will analyze the roadblocks to transforming education and offer solutions for how states can expand education freedom for parents everywhere.

To reserve your place at the events or to join the Legislative Forum, contact Government Relations Coordinator Arianna Wilkerson at 312/377-4000 or by email at awilkerson@heartland.org.

See you in November!

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WHAT WE'RE WORKING ON

Health Care

Research & Commentary: Dental Therapy Would Help with Michigan's Dentist Shortage

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines a new proposal offered in Michigan to improve access to dental care by expanding the role of dental therapists. "Allowing dental therapists to practice in more states would help to close gaps in dental care access and



ensure patients receive preventive and restorative treatments when and where they need them,” wrote Glans.

Budget & Tax

WI State Rep. Rob Hutton: Prevailing Wage Repeal Protects Local and State Taxpayers

In this episode of the weekly *Budget & Tax News Podcast*, Managing Editor and Research Fellow Jesse Hathaway speaks with Wisconsin state Rep. Rob Hutton (R-Brookfield) about how Wisconsin lawmakers are protecting local and state taxpayers’ money by including prevailing-wage repeal in the state’s biennial budget bill. “Prevailing-wage laws require government agencies to regulate the compensation given to workers on government capital projects, such as school construction and road repair, Hutton says, instead of allowing businesses to set their own pay rates according to true market value.”

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Education

Research & Commentary: Strike Vouchers Would Help Keep Vermont Children in Classrooms During Teacher Walkouts

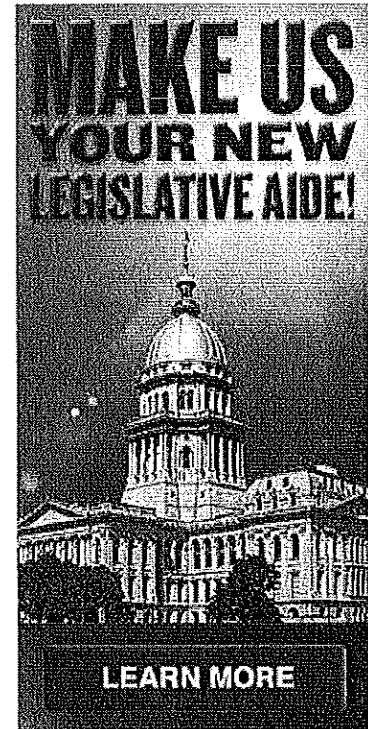
In this *Research & Commentary*, Tim Benson, a Heartland policy analyst, and Lennie Jarratt, project manager for Heartland’s Center for Transforming Education, discuss a recent four-day strike by teachers in Burlington, Vermont. Benson and Jarratt argue their plan to implement strike vouchers and SOS accounts would help keep kids in the classroom during strikes and free as many families as possible from the constant tug-of-war occurring between teachers unions and school districts.

Energy & Environment

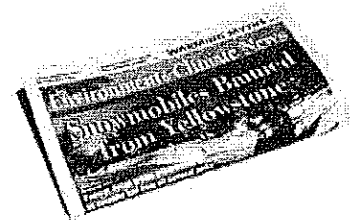
President Streamlines Infrastructure Construction

This story from *Environment & Climate News* discusses President Donald Trump’s sweeping executive order that eliminates and streamlines some permitting regulations. By improving these processes, the construction of critical infrastructure - such as roads, bridges, and pipelines - will be sped up. The order establishes a “one federal decision policy,” under which a single lead federal agency will work with others to complete environmental reviews and permitting decisions. All federal permitting decisions will have to be made within 90 days. The plan also rolls back standards set by President Barack Obama that had required the federal government when building infrastructure projects to assume in its plans there will be climate change and sea-level rise in the future.

From Our Free-Market Friends



POLICY NEWSPAPER



The October 2017 issue of *Environment & Climate News* reports about the U.S. Court of Appeals for the District of Columbia ruling the Environmental Protection Agency exceeded its authority under the Clean Air Act. In a 2015 rule, EPA banned a number of hydrofluorocarbons (HFCs) and required companies to replace them with “greener” substances in their products. HFC manufacturers

Bold New Approaches Needed for Louisiana


Daniel Erspamer, CEO of the Pelican Institute for Public Policy, recently wrote in *The Advocate* about the unemployment and income growth problems facing Louisianans and the pro-growth solutions that can solve them. Louisiana is one of four states that experienced a decline in median household income from 2015 to 2016, and it has one of the highest unemployment rates in the country. Erspamer calls for a transformation of the state's government, which continues to overspend, overtax, and overregulate. Pro-growth solutions include eliminating burdensome red tape, expanding education choice, and reforming the state's judicial system.

successfully argued in court the EPA could not lawfully implement such ban.

[Budget & Tax News](#)

[Health Care News](#)

[School Reform News](#)

	<h3>The Heartland Institute</h3> <p>The Heartland Institute is a 33-year-old national non-profit organization dedicated to discovering, developing, and promoting free-market solutions to economic and social problems.</p>	<h3>Our Websites</h3> <p><u>The Heartland Institute</u> <u>PolicyBot</u> <u>The Freedom Pub</u> <u>The Parent Trigger</u> <u>Climate Conference</u></p> <p>= 9</p>
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From: Shane Easthom
Sent: Tuesday, October 10, 2017 2:07 PM
To: Rep93
Subject: Please Oppose House Bill 298

Ryan Smith,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

House Bill 298 takes language straight from Senate Bill 5 dealing with sick time and tries to pass it as a standalone. Senate Bill 5/ Issue 2 was soundly defeated in 2011 by Ohioans who believe that collective bargaining shouldn't be restricted by politicians in Columbus.

I am making sure that your constituents know the truth- that this is just the first step in trying to limit what we can collectively bargain for. Today, it's about sick time; tomorrow it's about how we collectively bargain over pay, safety in the workplace and the how we grieve unfair working conditions. Please help me fight back against attempts to silence my voice at the workplace by opposing House Bill 298.

We didn't send you to Columbus to limit our voice at the workplace. We elected you to stand up and speak for us, create good jobs in your district and raise everyone's wages. Please tell Representative Merrin that you are not interested in making it harder for your constituents to collectively bargain for a better life and that you are opposed to House Bill 298.

Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Shane Easthom

easthom99@hotmail.com

396 county road 70 lot 37

Proctorville , Ohio 45669

From: Rick Lundy
Sent: Tuesday, October 10, 2017 5:13 PM
To: Rep93
Subject: Please Oppose House Bill 298

Ryan Smith,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

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Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Rick Lundy
rick_lundy@ymail.com
403 Riegel Ridge Rd
Jackson , Ohio 45640

From: Floyd Wright
Sent: Wednesday, October 11, 2017 10:16 PM
To: Rep93
Subject: Please Oppose House Bill 298

Ryan Smith,

I am writing you today to ask that you oppose House Bill 298, legislation that will take away my right and the rights of many of your constituents to collectively bargain for a better life.

House Bill 298 takes language straight from Senate Bill 5 dealing with sick time and tries to pass it as a standalone. Senate Bill 5/ Issue 2 was soundly defeated in 2011 by Ohioans who believe that collective bargaining shouldn't be restricted by politicians in Columbus.

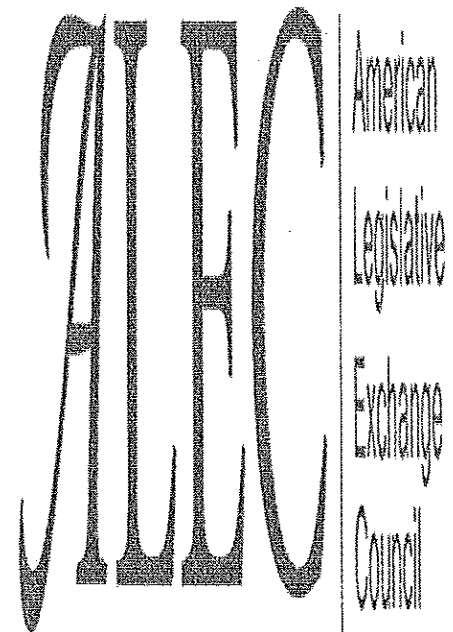
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Thank you for your consideration in this matter. I look forward to hearing your position on this terrible legislation. Have a great day.

Floyd Wright
flyd_wrght@yahoo.com
511 Quail Creek Dr.
Gallipolis, Ohio 45631

From: Courtney Cook
Sent: Wednesday, October 18, 2017 11:24 AM
To: Rep93
Subject: Look who is joining us



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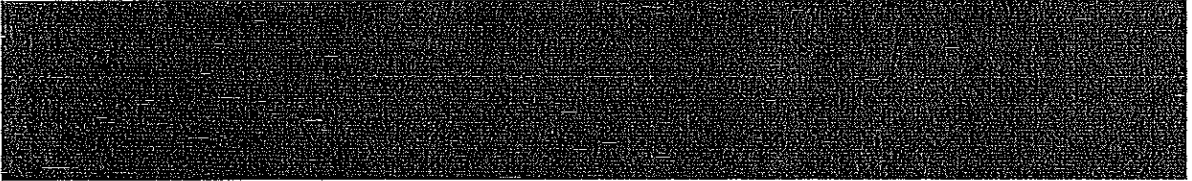


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The Honorable Ken Cuccinelli

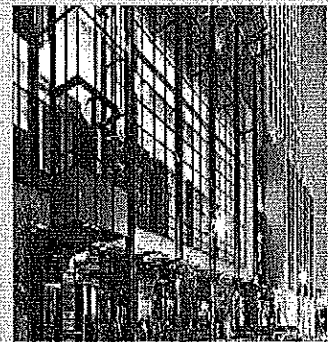




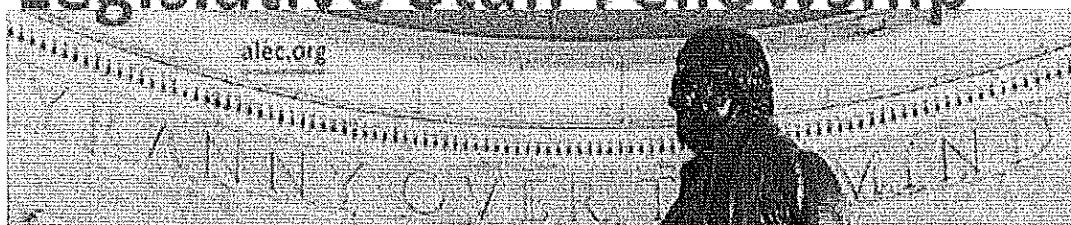
Learn from former Virginia Attorney General Ken Cuccinellie about how states can address the growing national debt. Grab a hearty breakfast, and be a part of the solution!

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Legislative Staff Fellowship



Only a few days left to have your staff take part in the Legislative Staff Fellowship.
Has your staff applied?



The ALEC Legislative Staff Fellowship consists of a series of online educational sessions and a three-day program of training and networking with legislative staff members from around the country at the 2017 States and Nation Policy Summit. The purpose of the training is to promote professional development and philosophical ideals throughout their careers as legislative staffers.

Questions on applying? Contact [Lacey White](#) for more information.



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Courtney Cook

ALEC

2900 Crystal Drive, 6th Floor

Arlington, VA 22202

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Sent: Friday, October 20, 2017 5:19 PM
To: Rep93
Subject: Labor Reform Policy Forum

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 Freedom Rising
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Labor Reform Policy Forum

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Please join [Americans for Prosperity-Columbus](#) and The Heartland Institute for their "Policy Brief: Labor Reform in 2017" event, which will be held on Thursday, November 2, from 6:00 p.m. – 8:00 p.m. in Columbus, Ohio.

What impacts do labor regulations have on Ohio's employees

and businesses? Which policies are working, and which are stifling growth? What changes need to take place to meet the needs of our modern labor force? We aim to answer these questions and more at the "Policy Brief: Labor Reform in 2017" event.



**AMERICANS FOR
PROSPERITY**

Americans for Prosperity-Columbus and The Heartland Institute will welcome Micah Derry, state director for Americans for Prosperity-Ohio, and Jesse Hathaway, research fellow for Heartland's Center on Budgets and Taxes, as guest panelists.

Our "Policy Brief" event series aims to update Ohioans on timely issues through bi-monthly discussions with policy experts. Attendees will have the opportunity to question speakers after each forum and network with other professionals throughout the evening.

[Register Now](#)

Future Events

Saturday, November 4
Educational Freedom Tour- stop 2
O'Fallon, IL

Thursday, November 9
America First Energy Conference
Houston, TX

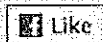
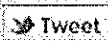


Thursday, November 16
Dan Pilla talks about his chapter in Heartland's new book *Patriot's Tool Box*
Arlington Heights, IL

Thursday, December 7
Educational Freedom Tour - stop 3
Bettendorf, IA

Saturday, December 9
Helping Students Understand the Constitution
Arlington Heights, IL

Wednesday, December 13
Occupational Licensing

Arlington Heights, IL

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Our events with activists and intellectuals are specifically designed to showcase freedom. We are close to your home with easy access and plenty of free parking, so we hope to see you at our Arlington Heights facility.

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Nikki Comerford
The Heartland Institute
3939 North Wilke Road
Arlington Heights, IL 60004

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From: Nikki Comerford

Sent: Saturday, October 21, 2017 9:26 AM

To: Rep93

Subject: WATCH LIVE TODAY AT 10AM (CT) THE EDUCATION FREEDOM TOUR KICK OFF EVENT

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 Freedom Rising

Heartland Events

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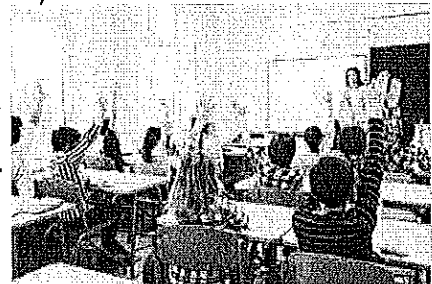
Education Freedom Tour Kickoff Event **Watch live at 10AM (CT)**

Some of the issues that will be addressed:

- Why do your property taxes keep increasing?
- How is education funded in Illinois?

- Will the Chicago Public School District receive a state bailout?
- How can Illinois taxpayers fight to decrease property taxes?
- What is education freedom?
- Should parents be able to decide which school their child attends?
- What are the differences between public, private, and charter schools?
- What is the best way to implement education freedom: vouchers, education savings accounts, or tax-credit scholarships?

This event will help you learn more about education freedom and funding. After attending, you will be able to inform your family, friends, neighbors, legislators, school board members, and, most importantly, other parents about these significant issues.



Schedule:

- 10:15 am – Introduction of Heartland by Lennie Jarratt
- 10:20 am – Introduction of Americans for Prosperity
- 10:25 am – Andrew Nelms- Illinois property taxes
- 10:35 am – Representative Allen Skillicorn-Illinois property taxes and education choice
- 10:50 am ~~to~~ 0 Lennie Jarratt-education choice
- 11:00 am – Panelist discussion
- 11:15 am – Audience Q & A

Watch live!

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Nikki Comerford

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From: Saul Anuzis
Sent: Friday, August 11, 2017 6:01 AM
To: Rep93
Subject: Townhall: Bad policy comes from swing state overemphasis

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I thought you might be interested in Matt Vespa's [Townhall](#) article below. Saul Anuzis

Could The National Popular Vote Interstate Compact Reduce Bad Policy-Making In Our Elections?

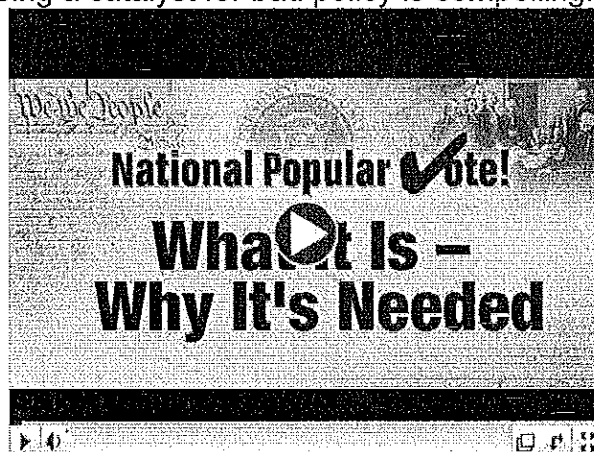
Townhall

By [Matt Vespa](#)

August 10, 2017

Okay-I'm going to step back a second on the Electoral College. In general, I think the institution that has served us well for over 200 years. No, I don't think that the five times a president was elected by winning the 270 electoral votes, but not the popular vote, constitutes a harbinger for the destruction of our republic. Liberals whine about Bush's 2000 win. They whine about Trump's 2016 win, albeit with more froth around the mouth. There were a solid couple of weeks worth of hot takes about how the Electoral College is archaic, racist, and anti-Democratic and yet we're still here. Yet, there's an emerging consensus that while the Electoral College might have served us well, we're approaching a point where the Democrats could run the table, and that swing states, in general, are dictating policy as a result of this system. We'll get to that in a second.

In April, *Townhall* was invited to a seminar by the Institute for Research on Presidential Elections to a seminar about the National Popular Vote Interstate Compact and other reforms relating to the Electoral College, such as electors chosen by congressional district and proportional representation. I can already hear the groans. I had my reservations, but while I'm still on the sidelines concerning taking a side-the point about swing states being a catalyst for bad policy is compelling.



If you go on their website and search on your own, you can get a brief history about the Electoral College, and see how the system we witness in action every four years was not the one envisioned by the Founding Fathers. The system was a form of compromise. James Madison wanted direct elections; Alexander Hamilton wanted Congress to elect the president. States were allowed to decide how they would participate in the Electoral College because no one could figure out a uniform way on how to elect the president. The point is winner-take-all was never in the cards from the beginning. Most states did not have such a system in our first election. Concerning picking electors, the states had a hodgepodge of presidential elector systems, governor appointments, or congressional elector districts to fill their slates.

After Thomas Jefferson lost the election of 1796, thanks to three electors breaking for John Adams through the district system, Virginia passed a winner-take-all to ensure Jefferson would receive the state's entire slate for 1800. Massachusetts repealed their district system to ensure that all of their electors would vote for John Adams in the election of 1800. This

set off a domino effect, where virtually all of the states were rushing to establish winner-take-all systems by the time of the Civil War.

So, let's forward to the modern era. Some could argue that the writing is on the wall. In the last six presidential elections, Democrats have been able to easily win 242 electoral votes from the West Coast and the liberal northeast. They only need to win Florida to lock up the necessary votes (271) for the presidency and Florida will probably be a blue state in the next two election cycles.



So, how will this interstate compact work? Well, first enough states have to sign on to equal the required amount of electoral votes to win the presidency. Right now, 11 states equaling 165 electoral votes have signed on, the proposal has gained traction in other state legislatures, and two states-Georgia and Missouri-have passed a committee.

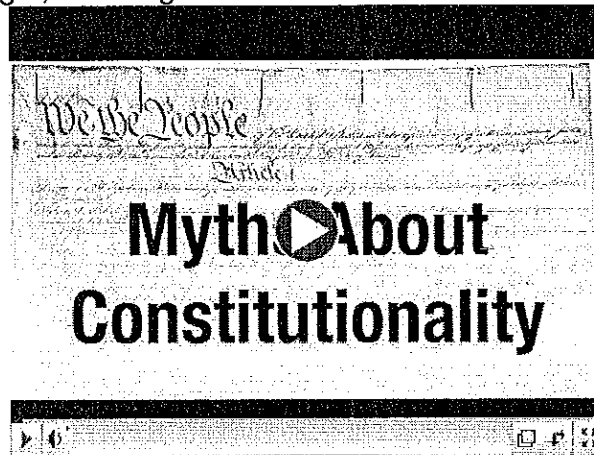


If enough states to equal the required 270 sign on, the compact is triggered and whoever wins the most popular votes is elected president, regardless of party. It also reduces the influence of swing states and expands the map. In 2012, 100 percent of the general election events occurred in just 12 states. Playing Devil's advocate, I'm sure the people of Kansas, Missouri, and Montana probably have the exact same concerns about jobs and health care, as people from Ohio.

Still convinced this is a bad idea? Well, if this were to occur, conservatives in New York and California, who have been hiding in the bunker for decades, would be incentivized to turn out and vote. In the Empire State for example, the Conservative Party of NY found that there was a pool of 1.6 million voters who would support their causes. It's not a far jump to see them supporting a Republican for president, yet, given that they know it's a deep blue state, whose winner-take-all electors will go to the Democrats-only around 500,000 turn out and vote. It's possible to make states more competitive and it's possible that Republicans can still win national elections through this compact. If you believe that we're a center-right nation, and I think we are, running on our ideas and winning shouldn't be a problem. Gone are the days of tailoring campaign messaging for some states, but not others to avoid alienating voter groups.

This is probably the most compelling part of the NPV compact: it could curb the proliferation of bad national policies that are drummed up to win elections. George W. Bush pushed No Child Left Behind, which federalized education policy, to win over mothers in Hamilton County, Ohio, one of the key counties in the state. Medicare Part D, which added trillions to the unfunded liability of the entitlement program, was meant to keep seniors from drifting too far from the GOP (i.e. keep Florida in play). Those are just two policies that have been detrimental to the country. One added to the debt and deficit, while the other stripped power away from local school boards who know their districts best. Under the NPV, the Republican Party can run a hardcore conservative campaign. For liberals, they can run on their single-payer, political correctness, and identity politics nonsense if they wish as well. What about the 11 most populous states running the table? Well, NPV's memorandum on the myths about NPV notes, "no big state delivered more than 63 percent of the popular vote to any candidate in 2000, 2004, 2008, or 2012."

Moreover, the five biggest states-Ohio, Florida, Virginia, Pennsylvania, Michigan, and North Carolina-were closer to 50-50. Also, they're not predisposed to either party; Bush won six-Texas, Florida, Ohio, North Carolina, Georgia, and Virginia-in 2006.



The memo also notes:

1. The rural vote is already diminished since these states are not considered in the battleground category under the current system
2. It won't allow cities to dominate the electoral landscape because the ten largest cities only house eight percent of the U.S. population. The 100 biggest cities (one-sixth of the total U.S. population) voted 63 percent Democratic in 2004, but 60 percent of rural Americans voted Republican. The remaining two-thirds live in the suburbs, which are evenly divided.
3. On voter fraud, it's hard to have a concerted national effort to defraud an election, whereas it's easier to alter a smaller pool of votes in a winner-take-all state and possibly flip it. Florida's 25 electoral votes decided the 2000 election out of over 105 million ballots cast. That wouldn't be an issue under the NPV.
4. On its constitutionality, Article II states, "Each state shall appoint, in such Manner as the Legislature thereof may direct, a number of Electors." Winner-take-all systems are state-based laws. The NPV is a state-based initiative. All it is doing is replacing winner-take-all states, or

enough of them to trigger the compact, by awarding electors to the candidate who has won the most popular votes in all 50 states.



The rest of the information is featured on their [site](#). There are some appealing things to this: the freedom to run a campaign that is truly at the heart of the party platform, the notion of winning California again, and the reduction in bad policies crafted to win over key counties in a handful of battleground states. The deluge of new Republican-leaning voters leaving the bunkers in deep Blue America, knowing their vote will count just as much as a battleground state voter could have a significant impact. It's not a constitutional amendment. All of these are very interesting things, but overhauling a centuries-old institution requires more debate. There should be a long, vibrant debate and it should be held nationally.



Both sides will be hesitant to budge. Democrats see a possible lock on the Electoral College, while GOP voters will fear big states and metropolitan areas dominating the political scene. Yet, stepping away from national politics, you can't win a majority in Congress by just winning the cities. If there's one area where have moved on, it's the significance of cities in our national politics. Yes, bastions of power, but not all-powerful. These areas are still insufferable with their politics, however. Also, while it's a progressive analysis, the Ruy Teixeira of the Center for American Progress and Bill Frey of Brookings noted a scenario that could put Democrats in an Electoral College pickle for quite some time. The Left likes to think they're on the verge of a permanent majority, though these two demographers noted a scenario where the GOP's hold on the white working class could give Republicans the electoral advantage, despite favorable demographic shifts that yielded more minority voters. That's because a geographic wall-the cities, hems in Democrats. That's fine if you have more voters in your ranks, if they live in areas that have been Democratic for eons and not competitive in national elections, it doesn't make a difference. There are definitely some in the GOP elite that know this. Democrats should also know that a lack of presence in the rural areas does spell political death if they don't reclaim some territory in the near future. The strategies of accomplishing that, like not stripping support from pro-life Democrats, might cause heartburn among the progressive wing of the party. Not supporting single-payer could also devolve into Democratic blood sports. Concerning these high concentrations of minority voters, given that the suburbs are where most voters live and are evenly split, that still wouldn't be an issue under the NPV.

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Dave Wasserman
@Redistrict

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My point is not that complicated, guys: Democrats' historic geographic concentration is negatively impacting their ability to win power.

12:09 PM - Aug 8, 2017

58 65 215



Dave Wasserman
@Redistrict

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If more than 50% of your '16 voters lived in just 9 states & 94 of America's 3,141 counties...you're probably not a healthy national party.

11:16 AM - Aug 8, 2017

240 457 1,026



Besides curbing bad policy, the Florida issue cannot be ignored. Florida will be blue in our lifetime. That's 29 electoral votes added to the Democrats' guaranteed 242, which is the ballgame. I'm not a person who thinks the constitution is fungible, but this is a state-based initiative that could work. I do want to learn more before taking a side. I'm sure all of you have opinions on this matter and I hope you debate them in the comments section below. For now, just call me a Devil's advocate on the matter. Not for or against, but wanting a debate on it. Donald Trump and the GOP might have a solid lead with white working class voters that will bolster their standing in elections, but that will go away. Trump can't be president forever, and Democrats are learning the hard way that you can't build your entire movement and party apparatus around one

term-limited individual. I say let's have a debate on the National Popular Vote Interstate Compact. That alone cannot hurt the country.



Matt Vespa is the Associate Editor at Townhall.com. He previously worked for CNSNews.com and was the recipient of Americans for Prosperity Foundation's 2013 Andrew Breitbart Award for Excellence in Online Activism and Investigative Reporting.

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National Popular Vote, 990 Villa Street, Mountain View, CA 94041

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Subject: Contrary to Union Rhetoric, School Voucher Programs Help to Integrate Schools

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Contrary to Union Rhetoric, School Voucher Programs Help to Integrate Schools

A report released in July 2017 by the Center for American Progress (CAP), a progressive think tank, titled *The Racist Origins of Private School Vouchers*, claims the programs originated in the “massive resistance” of Southern states to school integration.

The authors use the example of Prince Edward County in Virginia to cast the entire history of school vouchers as “sordid.” In response to the Supreme Court’s decision in *Brown v. Board* (1954) to end segregation in public schools, Prince Edward County shut down all its public schools and gave white families

vouchers for use at all-white private schools. Ultimately, there were roughly 100,000 students taking part of these vouchers in Dixie by the dawn of the 1970s.

CAP's release party for the paper was co-sponsored by the American Federation of Teachers, the heavy-spending union with a vested financial interest in opposing voucher programs to protect the monopoly position of the government-run schools that employ its members, and AFT President Randi Weingarten, alluding to the report, called vouchers the "polite cousin of segregation" in a speech at AFT's national conference that same week.

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Of course, what happened in Prince Edward County and elsewhere in the South at the tail end of Jim Crow is part of the voucher story and deserving of reprobation, but it is not the origin of the voucher story, and it is certainly not the whole of the voucher story.

As Frederick M. Hess of the American Enterprise Institute pointed out in a piece for *National Review Online* the call for school vouchers can be traced back to Thomas Paine's *Rights of Man* in 1791-92, with an assist from John Stuart Mill in 1859's *On Liberty*. "[Government] might leave to parents to obtain the education where and how they pleased, and content itself with helping to pay the school fees of the poorer classes of children, and defraying the entire school expenses of those who have no one else to pay for them," Mill wrote.

However, the modern voucher ur-text was Nobel-winning economist Milton Friedman's 1955 essay "The Role of Government in Education," although an example of a voucher program was already on the books in the form of the GI Bill by the time Friedman's essay was published. Pell Grants, another voucher, would follow a decade after Friedman's essay. The first modern voucher program, established in Milwaukee in 1990, was championed by black Democrats like state Senator Polly Williams, and polling of black voters routinely puts support for vouchers and other forms of school choice in the majority.

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In practice, voucher programs have been a vehicle for integration. According to EdChoice, since 1999, there have been 10 studies "using valid empirical methods" looking into how vouchers have affected school segregation in Cleveland, Milwaukee, the District of Columbia, and Louisiana. Of these, *not a single empirical study* shows voucher programs led to increased segregation.

Nine out of the 10 studies found the voucher programs actually moved students into schools that were more integrated, while the other showed the voucher was having no net effect.

"Public schools are intractably segregated by race, mostly because students are assigned to schools based on where they live," EdChoice wrote. "School choice has the potential to break down those residential barriers." Long-term research also shows minority students in voucher programs are 35 percent more likely to obtain a bachelor's degree than their public school peers.

Because of their popularity with parents, voucher programs have seen consistent growth since 1990, and there are now 26 separate voucher programs in operation in 15 states and the District of Columbia, giving over 178,000 students access to the school that best suits their unique needs and helping to integrate schools.

You can find additional documents providing more information on vouchers and education choice [here](#).

Nothing in this *Research & Commentary* is intended to influence the passage of legislation, and it does not necessarily represent the views of The Heartland Institute. For further information on this subject, visit [School Reform News](#), The Heartland Institute's [website](#), and [PolicyBot](#), Heartland's free online research database.

The Heartland Institute can send an expert to your state to testify or brief your caucus; host an event in your state; or send you further information on a topic. Please don't hesitate to contact us if we can be of assistance! If you have any questions or comments, contact John Nothdurft, Heartland's director of government relations, at john@heartland.org or 312/377-4000.

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Lindsey Stroud
The Heartland Institute
3939 North Wilke Road
Arlington Heights, IL 60004



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From: Ohio Chamber of Commerce

Sent: Tuesday, August 15, 2017 10:30 AM

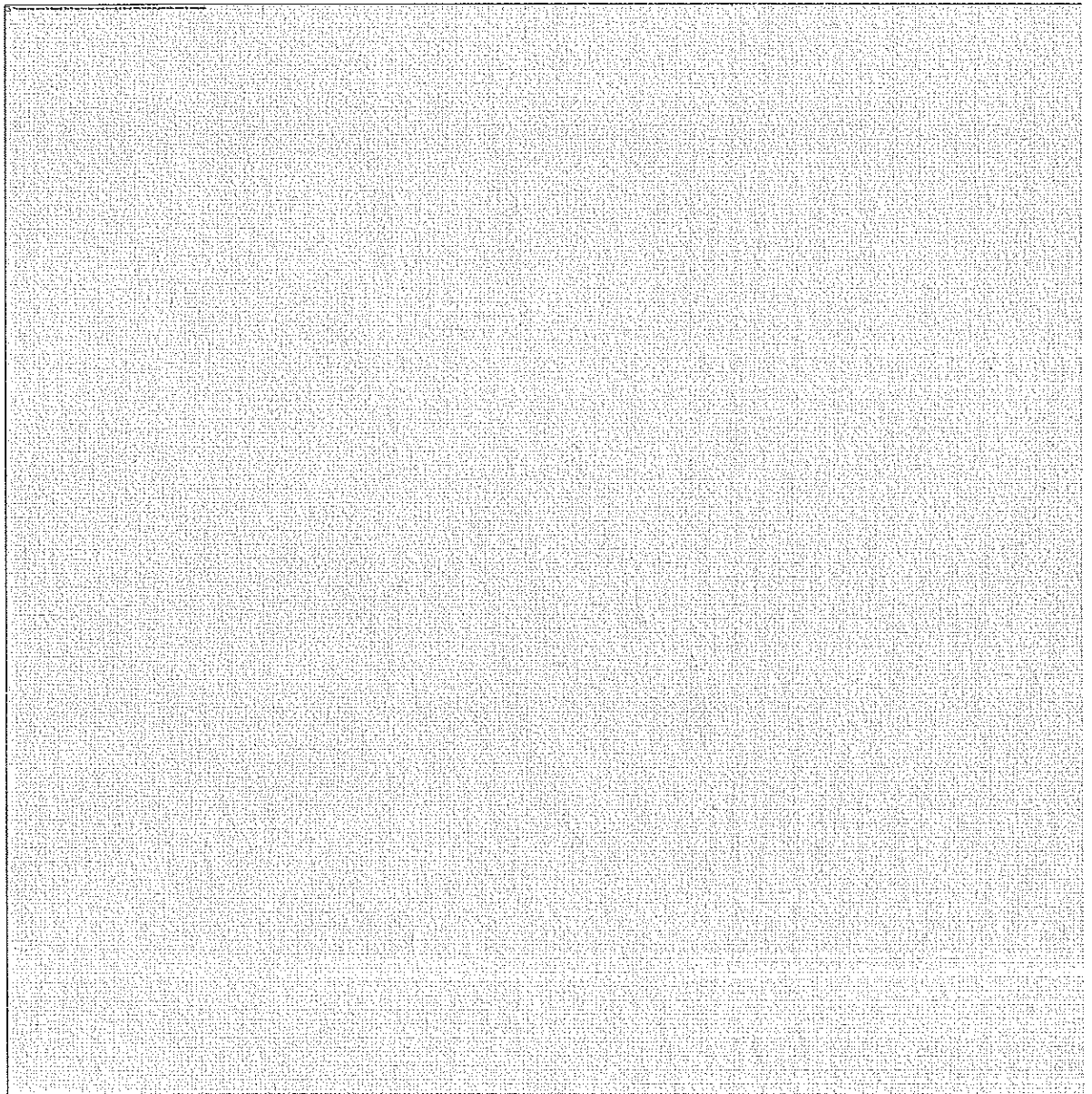
To: Rep93

Subject: Agenda Announced for Policy Conference at Salt Fork



Policy Conference at Salt Fork

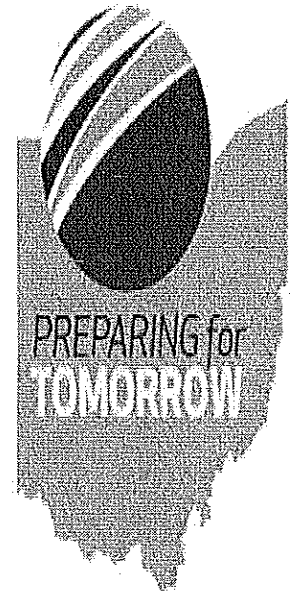
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Policy Conference Agenda Announced

Dear General Assembly Member,

The 2017 Policy Conference at Salt Fork is only four weeks away! Policy sessions are scheduled for Thursday and Friday morning of the three-day conference which will include several speakers on topics related to the issues being discussed on Capitol Square. While best-selling author J.D. Vance will be our Wednesday night speaker, we are excited to officially announce the lineup for this year's policy session speakers:



Thursday, September 7

8:45 - 9:30 AM

Tomorrow's Industry Disruptors

Stephanie Hughes, Co-founder of Super-h

9:30 - 10:30 AM

Public Policy Implications of Industry Disruption

Andrew Thomas, Associate Professor of Marketing & International Business at the University of Akron

10:45 AM - Noon

Forces Shaping Site Selection

Michelle Comerford, Project Director and Industrial & Supply Chain Practice Leader at Biggins Lacy Shapiro & Company

Nate Green, Director of Economic development for the Montrose Group

Friday, September 8

9:00 - 9:30 AM

Ohio's Prosperity Pulse

Brian Hicks, President, Ohio Chamber Research Foundation

Katie Kogelman, Executive Director, Ohio Chamber Research Foundation

Fritz Wenzel, Pollster, Ohio Chamber Research Foundation

9:30 - 10:15 AM

The Trump Coalition in 2018

Roger Beckett, Executive Director of the Ashbrook Center at Ashland University

10:30 - 11:30 AM

Fall Legislative Preview

Senate President Larry Obhoff

Senate Minority Leader Kenny Yuko

Speaker Pro Tempore of the House Kirk Schuring

House Minority Leader Fred Strahorn

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When:

Wednesday, September 6 at 12:00
pm

-to-

Friday, September 8 at 12:00 pm

Where:

Salt Fork Lodge

14755 Cadiz Rd.

Lore City, OH 43755

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Agenda

Wednesday, September 6

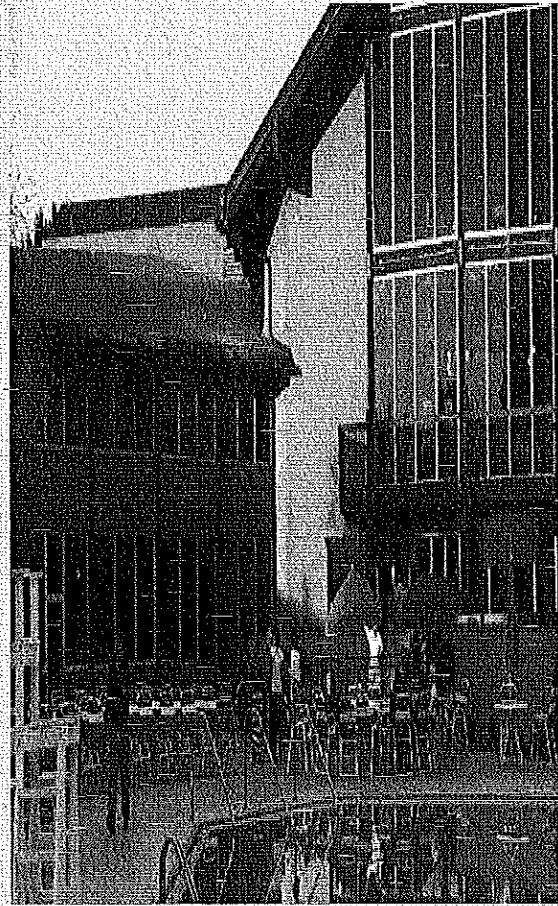
12:00 p.m. Registration opens
Afternoon activities & box lunch
6:00 p.m. Poolside reception
7:00 p.m. Dinner & program
Hospitality Suites after program

Thursday, September 7

7:30 a.m. Buffet breakfast
8:30 a.m. Policy sessions
12:30 p.m. Afternoon activities
6:00 p.m. Poolside reception
7:00 p.m. Dinner & program
Hospitality Suites after program

Friday, September 8

7:30 a.m. Breakfast
8:30 a.m. Policy sessions
Noon Adjourn



REGISTER HERE

Lodging Accommodations/Roommate Information

Unfortunately, there are only a limited number of guest rooms available at the Salt Fork State Park Lodge. While the Ohio Chamber has reserved every one of them for our Policy Conference, there simply aren't enough to permit every guest to reserve his or her own room. As a result, you will likely have to share a room with another conference attendee. We cannot accommodate requests for individual rooms. If you do not request a roommate, we will assign you one. Entering a roommate's name on your registration form DOES NOT register that roommate for the conference. They must fill out their own form or you must "add them as a guest" on your form.

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Registration Closes August 28!



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Ohio Chamber of Commerce | 230 E. Town St., Columbus, OH 43215

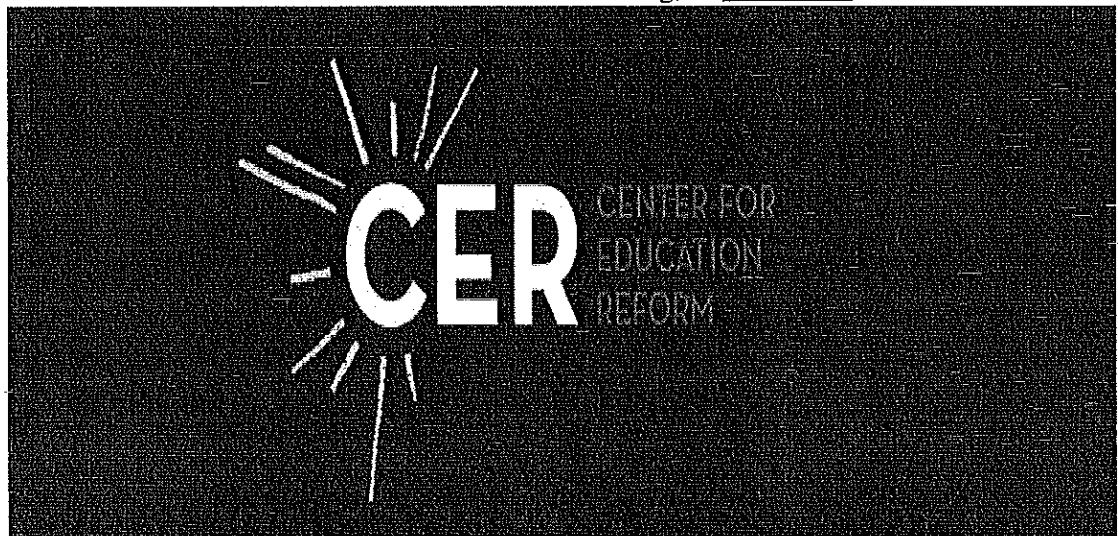
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A weekly report on education news & commentary from the nation's leading voice on education innovation and opportunity

JUSTICE FOR ALL – A MESSAGE FROM CER'S DIRECTORS.

Since 1993, the Center for Education Reform (CER) has worked to advance a bold agenda to help our nation's children achieve the education they deserve.

We fight hard and relentlessly for education opportunity because we know that education not only paves the way for everyone to participate in the future, but it is a critical antidote to ignorance, to racism, to hatred. Education of the mind encompasses history, education of the soul encompasses the virtues of compassion and courage.

As tragic national and international events swirl around us, we believe the most important role CER can play is to address the shortcomings of education in this nation, for all learners, at all levels. There is inequity in our educational system, and no matter what solution you believe works best, it is the cause of many of our biggest challenges.

The entire education reform movement was born out of this knowledge – that education is the key to helping our young people achieve civilized, productive lives in which they can live peacefully and freely, pursuing their own ambitions, and that we must do whatever it takes, with urgency to get them the schools that will help them achieve exactly that.

As we watch our most precious resources go back to school, we recommit ourselves to excellence, equity and justice for all.

OF ANNUAL POLLS. OF ANNUAL POLLS. Lots of news about what Americans think. First, Education Next released its annual poll on education issues, which you can find [here](#), and which we reflected on here: [“The EdNext Poll: The Case for a Moral Imperative”](#)

Then the [Gallup Organization](#) released another poll with many questions they’ve asked before on education ([read our statement here](#)). Among them was whether or not Americans are satisfied with the quality of education our students receive. A majority remain dissatisfied with education in general but not their own. They also believe private and charter schools work better for kids than public schools (though it would have helped to distinguish between charters and traditional public schools since charters are public... but we digress...). The poll is chock full of interesting tidbits but the bottom line is data is more important than opinion and the data still shows us lagging dramatically. More on that and polls, coming soon.

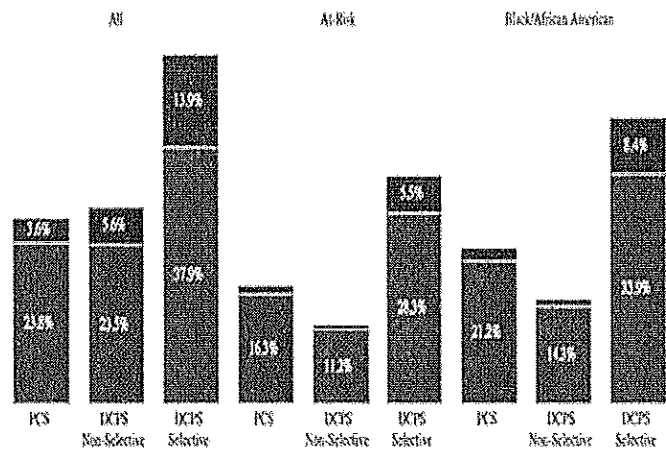
VERY COOL FOR SCHOOL. Friends of Choice in Urban Schools (FOCUS) has introduced an updated dashboard tool that includes 2017-results on the Partnership for Assessment of Readiness in College and Careers (PARCC) Assessment. The tool is not just a number-cruncher's dream, it's an incredibly useful resource for the non-data-philies among us since it allows one to filter results by sector, school, year, grade, and subgroup and actually understand the meaning behind the numbers.

Public charter schools are doing better with historically disadvantaged students

Federal law requires states, districts, and schools to publicly report student performance data by student subgroup. This ensures public accountability not only for student performance, but also for any achievement gap between groups.

In 2017, African American and At-Risk students who attended public charter schools performed better than their counterparts in traditional public schools. The At-Risk subgroup includes students who are in foster care, homeless, or eligible for TANF or SNAP assistance, as well as over-age high school students.

FOCUS dashboards allow users to filter results by many different types of subgroups to compare detailed data about school performance.



DC SCHOOLS DO BETTER. Ten years after Michelle Rhee took DC by storm and united with civic and community leaders to add performance to the DC union contract, DC schools are showing progress on the same assessments. Much more needs to be done, of course, but giving credit where credit is due, the moral of the story so far is that systems can improve their lot for all kids if they challenge the status quo.

CER & RANDI IN THE NEWS - AGAIN. AFT's Randi Weingarten just won't give up. Rather than apologize for her racist rant at this summer's AFT convention earlier this summer she continues to promote her alternative version of history. It is clear that she is making a calculated effort to twist the debate over educational opportunities in ways that are not only dishonest and distasteful, but destructive. When Weingarten first delivered her remarks in July, CER called her out, and called for her resignation. Last week we took her

to task again in The Wall Street Journal, under the headline "[Randi Weingarten's Racial Demagoguery](#)."

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Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans – particularly our youth – ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

[@edreform](#) | [edreform.com](#)

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The Center for Education Reform
1901 L Street, NW, Suite 705
Washington, DC 20036

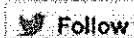
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From: Public Policy Law360
Sent: Wednesday, August 23, 2017 4:43 AM
To: Rep93
Subject: AARP Gets Wellness Regs Kicked Back To EEOC



Wednesday, August 23, 2017



TOP NEWS

AARP Gets Wellness Regs Kicked Back To EEOC

The U.S. Equal Employment Opportunity Commission must reconsider two regulations surrounding employer-sponsored wellness programs that had been challenged by the AARP, a federal judge found Tuesday, but he kept the rules in place for the time being to avoid "disruption and confusion." [Read more »](#)

Trump Says He Is Willing To Shut Down Gov't Over Wall

President Donald Trump on Tuesday said he is willing to shut down the government to get a southern border wall funded and implied that he is still considering pardoning former Sheriff Joe Arpaio. [Read more »](#)

Meet The 'Horse Whisperer' Of ACA Policy

He's been called the "horse whisperer" of Affordable Care Act policymaking. He has his very own Twitter hashtag, which is used enthusiastically by health policy geeks. He's quoted in ACA stories more than almost any other wonk. So who is this guy? And how did he become one of the highest-profile analysts



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during eight years of Obamacare twists and turns? [Read more »](#)

FDIC Chair Will Consider Cautious Tweaks To Volcker Rule

Federal Deposit Insurance Corp. Chairman Martin Gruenberg on Tuesday said he was open to making changes to the Volcker Rule as long as they maintain the "substance" of the regulation's ban on proprietary trading by banks. [Read more »](#)

US, S. Korea Begin Kicking Tires On Trade Deal Retooling

The top trade officials for the U.S. and South Korea concluded the first phase of their effort to explore possible changes to their bilateral trade agreement Tuesday, with U.S. Trade Representative Robert Lighthizer vowing to carry the process forward over the next several weeks. [Read more »](#)

Trump Calls For 'Dramatic' Shift In Afghanistan Strategy

President Donald Trump announced Monday night that he will "dramatically" overhaul U.S. strategy in Afghanistan but will not withdraw from the long-running war, saying a review by his national security staff had pushed him away from his initial instinct to pull out. [Read more »](#)

BANKING & SECURITIES

Feds Move To Ease Capital Treatment For Smaller Banks

Federal banking regulators on Tuesday said they would not require most banks to comply with international standards for the treatment of mortgage servicing and other assets as part of a planned easing of the capital rules for smaller banks. [Read more »](#)

CFP Board's Standards Proposal Gets Support, Suggestions

Greenbaum Rowe
Hunton & Williams
Kilpatrick Townsend
Kirkland & Ellis
Kobre & Kim
Mayer Brown
McDermott Will
Michael Best
Motley Rice
Norton Rose Fulbright
O'Melveny & Myers
Sayles Werbner
Shook Hardy
Steptoe & Johnson LLP
Troutman Sanders
Zuckerman Spaeder

COMPANIES

AARP Inc.
AT&T Inc.
ATS Corporation
Allstate Corporation
American Association for Justice
American Bankers Association
American Enterprise Institute
American Federation of Labor and Congress of Industrial Organizations
American Legislative Exchange Council
American Water Works Company, Inc.
Brown Armstrong CPA
CFA Institute
Center on Budget and Policy Priorities
Certified Financial Planner Board of Standards Inc.
Citigroup Inc.
Columbus McKinnon Corporation

Investor advocate groups and financial planning professional associations have thrown their support behind a Certified Financial Planner Board of Standards proposal to expand its fiduciary standards but suggested clarifications, while some business groups said the board should wait for rulemaking from federal agencies. [Read more »](#)

OCC Wants 'Speculative' NY Fintech Charter Suit Tossed

The Office of the Comptroller of the Currency has said that New York state regulators cannot prove that a special charter for financial technology firms would be harmful to them because the national bank regulator has not yet even issued one, making the state lawsuit a "speculative" exercise. [Read more »](#)

ENERGY & ENVIRONMENTAL

5th Circ. Puts EPA Power Plant Effluent Rule Fights On Hold

The Fifth Circuit on Tuesday granted the U.S. Environmental Protection Agency's request to delay industry challenges to portions of an Obama-era rule limiting toxic metal levels in wastewater discharged from steam-powered electricity plants while the agency revises them, a move opposed by environmental groups. [Read more »](#)

HEALTH & LIFE SCIENCES

Jury Selection Kicks Off In Menendez Corruption Trial

Prosecutors and defense counsel on Tuesday combed through potential jurors to serve on the corruption trial of Sen. Bob Menendez and Florida ophthalmologist Salomon Melgen, with the government dismissing a juror whose relatives work in legal capacities and the senator tossing a juror with family ties to law enforcement. [Read more »](#)

Conference of State Bank Supervisors
Consumer Federation of America
Consumer Reports
Council on Foreign Relations
Douglas Dynamics, Inc.
Duke Energy Corporation
Ernst & Young
FSI International, Inc.
Fifth Third Bancorp
Ford Motor Company
Honda Motor Co. Ltd.
Liberty Mutual
Magnetek, Inc.
MedPage Today LLC
MetLife Inc.
National Association of Insurance Commissioners
National Association of Letter Carriers
Netflix Inc.
New York Times Co.
Northern Mariana Islands Retirement Fund
Northwestern Mutual Life Insurance Co.
Oshkosh Corporation
Pentair Inc.
Pittsburgh Steelers
Progressive Corporation
RadioShack Corporation
SIFMA
Safeco
Sierra Club
State Farm
Tax Foundation
Tesla Motors Inc.
Twitter Inc.
U.S. Chamber of Commerce

TRANSPORTATION & INFRASTRUCTURE

Tesla Wins Bid For Lawmaker Docs In Direct Auto Sales Fight

A Michigan magistrate judge on Monday ordered two Republican state lawmakers to comply with Tesla Motors Inc.'s requests for documents related to a state law passed in 2014 that bans the automaker from selling directly to consumers. [Read more »](#)

REAL ESTATE

FinCEN Expands High-End Real Estate Reporting To Hawaii

The Financial Crimes Enforcement Network on Tuesday expanded its geographic targeting orders to cover Honolulu as one of the metropolitan areas where large real estate transactions will draw scrutiny, while also adding wire transfers to the list of payment types that insurers should flag. [Read more »](#)

EMPLOYMENT

Lawmakers Query 10 Agency Heads On Leave For Union Work

Two high-ranking congressional oversight committee members said Tuesday they have asked the heads of the U.S. Department of Commerce, the U.S. Department of Labor and eight other agencies about their use of unpaid leave, following reports that the U.S. Postal Service let workers off for a pro-Hillary Clinton union campaign. [Read more »](#)

AEROSPACE & DEFENSE

Iran Says It Can Resume Uranium Enrichment In Just 5 Days

The chief of the Islamic Republic of Iran's atomic energy organization said Tuesday the country could resume producing highly enriched uranium in less than a week if the

United Services Automobile Association

Unum Group

Verizon Communications

Washington Post Co.

Wells Fargo & Co.

Whiting Petroleum Corp.

GOVERNMENT AGENCIES

Commodity Futures Trading Commission

Congressional Budget Office

Consumer Financial Protection Bureau

Department of Commerce

Equal Employment Opportunity Commission

Executive Office of the President

Federal Communications Commission

Federal Deposit Insurance Corp.

Federal Financial Institutions Examination Council

Federal Reserve System

Financial Crimes Enforcement Network

New York State Department of Financial Services

Office of the Comptroller of the Currency

Pennsylvania Supreme Court Securities and Exchange Commission

Small Business Administration

Social Security Administration

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Health and Human Services

U.S. Department of Justice

U.S. Department of Labor

2015 international agreement limiting its nuclear program were to fall apart. Read more »

Arab Bank Says Terror Case 'Exemplifies' Alien Tort Abuse

Arab Bank PLC on Tuesday told the U.S. Supreme Court that a bid by victims of Palestinian attacks to revive allegations that the bank helped militants fund their activities "exemplifies much of what is wrong" with current attempts to expand the use of the Alien Tort Statute. Read more »

INTERNATIONAL TRADE

US Advances WTO Case Against Chinese Ag Policies

The Trump administration has yet to file a complaint at the World Trade Organization, but it has picked up the baton from its predecessors by looking to move a case over China's agricultural import quotas to the panel stage, according to WTO documents circulated Monday. Read more »

TAX

Corporate Tax Cuts Won't Really Benefit Workers: Report

President Donald Trump's proposal to slash corporate taxes in part to boost workers' pay is "misleading" because most of the benefits will skew to the wealthy instead, the Center on Budget and Policy Priorities said in a new analysis issued Monday. Read more »

IMMIGRATION

LA Wants In On Sanctuary City Fight

Los Angeles said Tuesday it wants to jump into a fight against the Trump administration over a recent move to cut off federal public safety funding for so-called sanctuary cities, just a day after a California federal judge shot down

U.S. Department of the Interior
U.S. Environmental Protection Agency

U.S. Immigration and Customs Enforcement

U.S. Postal Service

U.S. Senate

U.S. Supreme Court

World Trade Organization

a suit by a smaller Golden State town over the policy. [Read more »](#)

TELECOMMUNICATIONS

AT&T Pushes FCC To Steer Streamlined Make-Ready Work

The Federal Communications Commission should support streamlined make-ready processes and incremental fee increases to speed up wire line broadband service development, AT&T Inc. recently told the agency. [Read more »](#)

EXPERT ANALYSIS

Can Trump's Infrastructure Order Speed Up Enviro Reviews?

As President Donald Trump's recent executive order aimed at improving the environmental review and permitting process is implemented over the next few months, project sponsors will start to see how much it will improve the process. But there will likely be limits to how much relief the order can provide, says Felicia Barnes of Hunton & Williams LLP. [Read more »](#)

Applying Contractual Principles In Pa. Unfair-Trade Claims

Claims against insurers under Pennsylvania's Unfair Trade Practices and Consumer Protection Law occupy a unique place in its jurisprudence. Courts should be reluctant to ignore contractual principles when a UTPCPL claim arises out of an insurance policy, says Charlotte Thomas of Duane Morris LLP. [Read more »](#)

Opinion

Stop Gerrymandering Before It Stops Democracy

If partisan gerrymandering continues unchecked, its effects could spread to our entire political system. Since its beneficiaries have an interest in amplifying it, the only

permanent way to mitigate this danger is to clamp down on the practice itself. The U.S. Supreme Court now has an opportunity to do precisely that, says Paul Smith of the Campaign Legal Center. [Read more »](#)

Rebuttal

Assessing 'The Value Of Class Actions'

In a recent Law360 opinion piece, Gary Mason claimed that class actions provide “significant benefits” to class members. But the study he conducted to support this conclusion shows just the opposite, says Andrew Pincus of Mayer Brown LLP. [Read more »](#)

LEGAL INDUSTRY

Demand And Head Count Down At Smallest BigLaw Firms

Attorney head count and billable hours were down at the smallest BigLaw firms during the first half of 2017, even as the largest of the large firms experienced significant improvements, a report out on Tuesday found. [Read more »](#)

Steptoe Wants Gender Pay Suit Buried In Arbitration: Atty

A former Steptoe & Johnson LLP associate told a California federal court Monday the law firm is trying to arbitrate her pay discrimination suit to keep it out of the public eye despite a Ninth Circuit ruling that arbitration agreements like hers — with class action waivers — are unenforceable. [Read more »](#)

Ex-BigLaw Atty's Associate Wants Insider Trading Trial In NY

A business associate of former Foley & Lardner LLP partner Walter “Chet” Little on Monday opposed Little's bid to move their insider trading case from New York to Florida, where he says media coverage of the charges

will taint the jury pool and prevent them from receiving a fair trial. [Read more »](#)

DOJ Pulls Back On Warrant To Anti-Trump Website Host

The U.S. Department of Justice on Tuesday sought to limit the scope of a controversial warrant for a wide swath of information about visitors to an anti-Trump protest site. [Read more »](#)

JOBS

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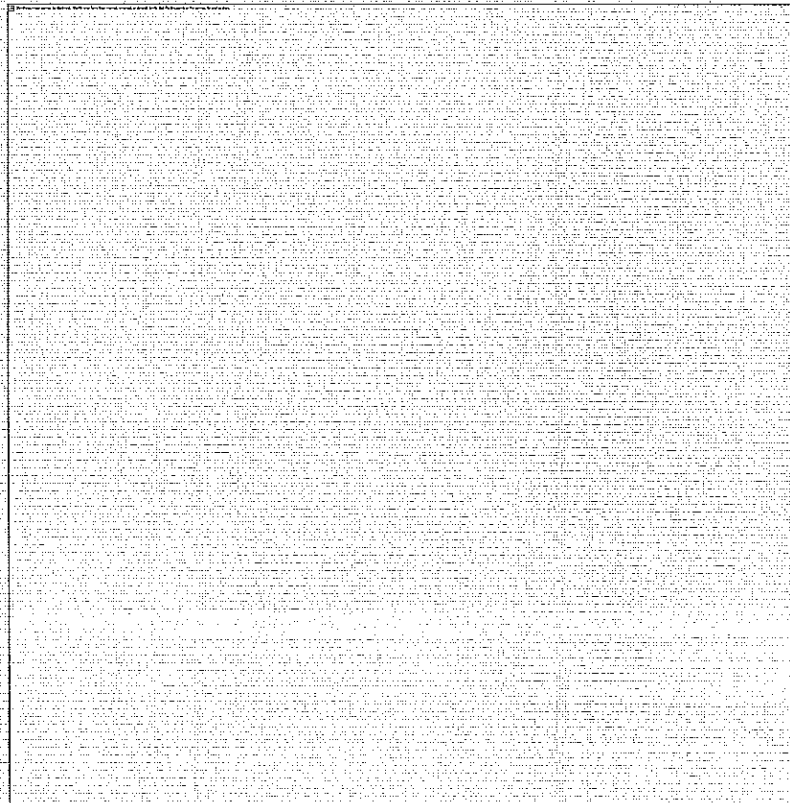
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Payments Coalition: Trump's Approval Rating Falls Below 40% for First Time

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By Eli Yokley

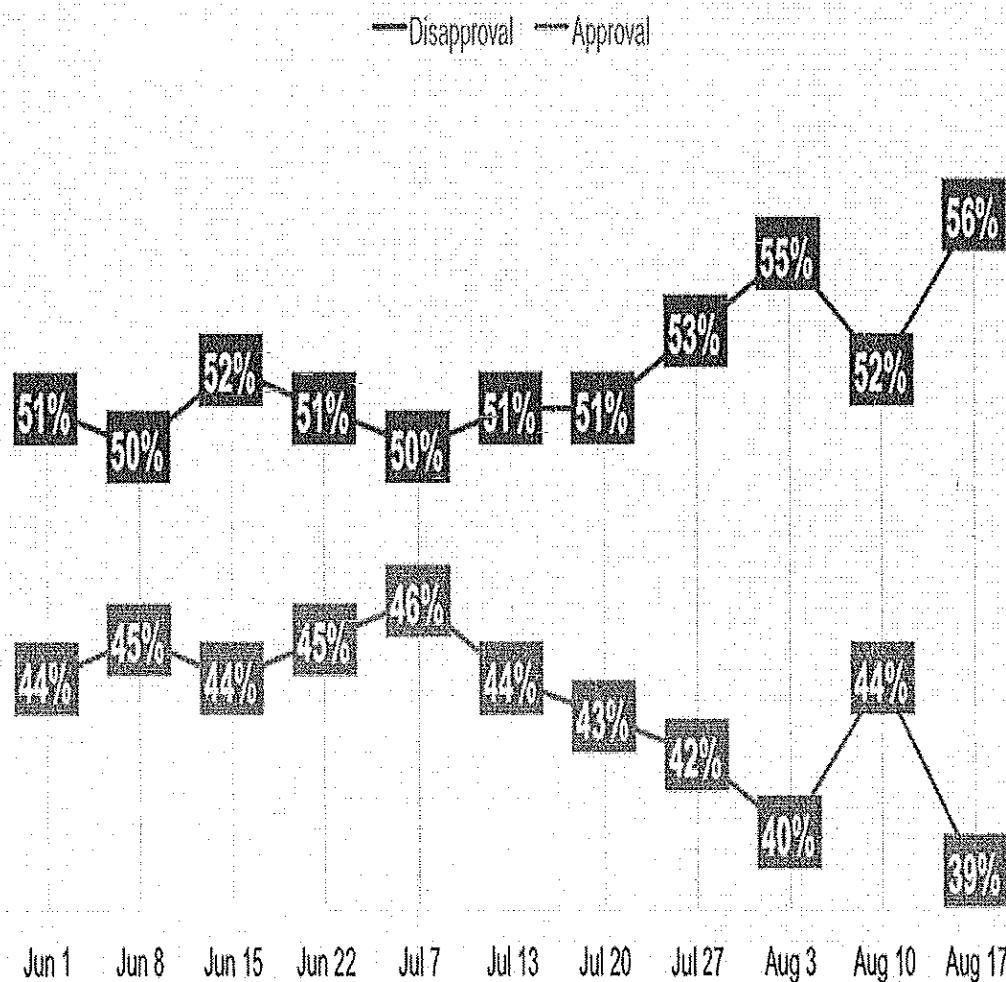
Top Stories

- President Donald Trump's approval rating among registered voters fell to a new low, according to a new poll. Thirty-nine percent of respondents said they approve of his job performance, compared with 56 percent who disapprove. ([Morning Consult](#))
- Trump threatened to shut down the government if Congress does not fund his proposed border wall in next month's spending debate. During Tuesday's campaign rally in Arizona, he also said the North American Free Trade Agreement is likely to be terminated. ([The Washington Post](#))
- Senate Majority Leader Mitch McConnell (R-Ky.) has privately expressed doubts that Trump can deliver on his policy agenda after a series of political crises this summer. The relationship between the two men is frayed - they have not spoken to each other in weeks. ([The New York Times](#))
- Gov. John Kasich (R-Ohio) and Gov. John Hickenlooper (D-Colo.) hope to testify before a Senate Health, Education, Labor and Pensions Committee hearing next month about stabilizing the health insurance market, as the congressional panel considers smaller, bipartisan proposals to health care policy. ([Roll Call](#))

Chart Review

Trump's Approval Rating Dips Below 40% for First Time After Charlottesville
Morning Consult

Trump's Approval Rating Tanks After Charlottesville



Events Calendar (All Times Local)

WEDNESDAY

No events scheduled

THURSDAY

Heritage Foundation event: Protecting Public Employees' First
Amendment Rights

12
p.m.

FRIDAY

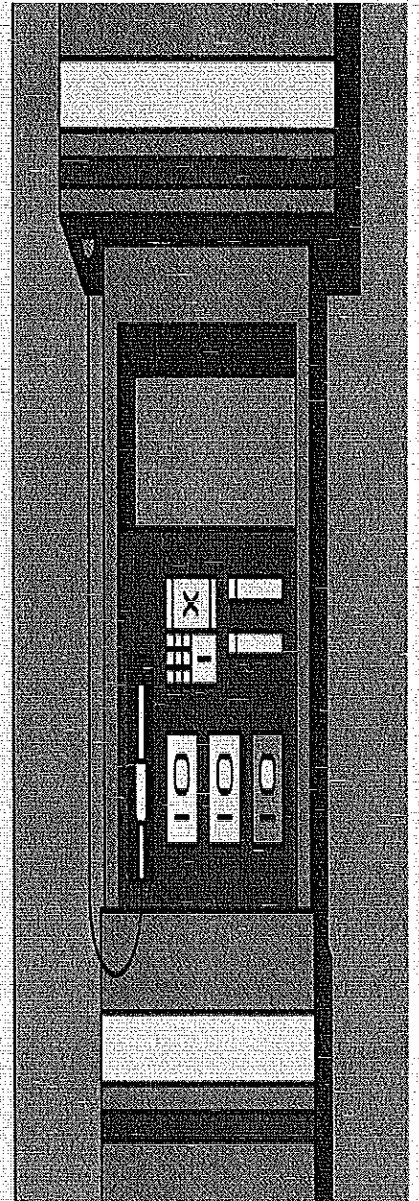
No events scheduled

\$2 BILLION! That's how much theft
from gas station skimmers cost consumers in 2014.

The Electronic Payments Coalition (EPC) has tips
to help you protect yourself when you're filling up
at home or traveling far and wide this summer.



LEARN MORE FROM EPC



General

U.S. Navy Relieves Admiral of Command After Collisions **Gordon Lubold, The Wall Street Journal**

The U.S. Navy removed the commander of the fleet that has suffered four recent collisions in Asia and the deaths of several sailors, the Pacific Fleet said in a statement. The Wall Street Journal reported Tuesday that the Navy was planning to remove Vice Adm. Joseph Aucoin -the three-star commander of U.S. Seventh Fleet in Yokosuka, Japan-though officials had declined to comment.

U.S. sanctions Chinese and Russian companies and individuals for conducting business with North Korea **Carol Morello and Peter Whoriskey, The Washington Post**

As part of a broad effort to isolate North Korea, the Treasury Department on Tuesday placed sanctions on Chinese and Russian individuals and firms it said had conducted business with the country in ways that advanced its missile and nuclear weapons program. The sanctions against 10 companies and six individuals are designed to disrupt the economic ties that have allowed Pyongyang to continue funding its missile and nuclear program despite strict United Nations sanctions prohibiting it.

Clooney Foundation for Justice Donates \$1 Million to Combat Hate Groups in Wake of Charlottesville **Rebecca Rubin, Variety**

The Clooney Foundation for Justice, led by George and Amal Clooney, gave a \$1 million grant to help the Southern Poverty Law Center combat hate groups in wake of recent white nationalist gatherings in Charlottesville, Va. "We are proud to support the Southern Poverty Law Center in its efforts to prevent violent extremism in the United States. What happened in Charlottesville, and what is happening in communities

across our country, demands our collective engagement to stand up to hate," George and Amal said in a statement.

Emails: Breitbart editor pledges to do 'dirty work' for Bannon, smears Ivanka
Oliver Darcy and Jake Tapper, CNN

A self-described "email prankster" seemingly fooled top editors at Breitbart over the weekend into believing he was Steve Bannon, the fired White House chief strategist who returned to the right-wing website as executive chairman on Friday. In the emails, Breitbart Editor-in-Chief Alex Marlow pledged that he and several other top editors would do Bannon's "dirty work" against White House aides.

Hillary Clinton: My "skin crawled" when Trump stood behind me
Shane Savitsky, Axios

MSNBC's Morning Joe has the first batch of excerpts from "What Happened," Hillary Clinton's forthcoming memoir on the 2016 presidential election, which feature her reflecting why she wrote the book and on President Trump's intimidation tactics that made her "skin [crawl]" during their second, town hall-style debate. Her reason for writing: "I want to pull back the curtain on an experience that was exhilarating, joyful, infuriating, and just plain humbling."

Is Anybody Home at HUD?
Alec MacGillis, New York Magazine

In mid-May, Steve Preston, who served as the secretary of Housing and Urban Development in the final two years of the George W. Bush administration, organized a dinner at the Metropolitan Club in Washington, D.C., for the new chief of that department, Ben Carson, and five other former secretaries whose joint tenure stretched all the way back

to Gerald Ford. It was an event with no recent precedent within the department, and it had the distinct feel of an intervention.

Presidential

Trump threatens shutdown, suggests controversial pardon at Arizona rally

John Wagner et al., The Washington Post

President Trump on Tuesday threatened to shut down the government over border wall funding, said the North American Free Trade Agreement is likely to be terminated and signaled that he was prepared to pardon former Arizona sheriff Joe Arpaio, who is anathema to the Latino community. Trump's freewheeling comments came at a boisterous campaign rally here during which he also went on an extended diatribe about the media, blaming reporters for the negative fallout he has received over his responses to the hate-fueled violence in Charlottesville.

More Voters Want Pence as President Than Trump, Poll Shows

Anna Gronewold, Morning Consult

In a choice between the president of the United States and his second-in-command, more voters say Vice President Mike Pence should take charge of the country. A Morning Consult/POLITICO poll conducted Aug. 17-19 found 34 percent of registered voters said they'd rather have Pence as president than Donald Trump, if they had to choose.

Kushner in Middle East for peace talks

Annie Karni, Politico

While everyone was busy gazing into the solar eclipse on Monday, White House adviser Jared Kushner quietly snuck away to the Middle East for a trip that will take him to the Persian Gulf and Israel. Accompanying Kushner on Monday in the Gulf states were deputy National Security

Adviser Dina Powell, and Middle East envoy Jason Greenblatt, a White House official said.

A coal country dispute over an alleged Trump promise unmet
Jeff Horwitz et al., The Associated Press

The Trump administration has rejected a coal industry push to win a rarely used emergency order protecting coal-fired power plants, a decision contrary to what one coal executive said the president personally promised him. The Energy Department says it considered issuing the order sought by companies seeking relief for plants it says are overburdened by environmental rules and market stresses.

Senate

Trump and McConnell Locked in a Cold War, Threatening the G.O.P. Agenda
Alexander Burns and Jonathan Martin, The New York Times

The relationship between President Trump and Senator Mitch McConnell, the majority leader, has disintegrated to the point that they have not spoken to each other in weeks, and Mr. McConnell has privately expressed uncertainty that Mr. Trump will be able to salvage his administration after a series of summer crises. What was once an uneasy governing alliance has curdled into a feud of mutual resentment and sometimes outright hostility, complicated by the position of Mr. McConnell's wife, Elaine L. Chao, in Mr. Trump's cabinet, according to more than a dozen people briefed on their imperiled partnership.

Senate Health Panel Will Hear From Governors, Insurance Leaders
Mary Ellen McIntire, Roll Call

The Senate's key health care panel announced plans to hear from governors and state insurance commissioners early next month about ways to rein in rising prices for medical insurance purchased directly by consumers. The Senate Health, Education, Labor and Pensions Committee on Tuesday set a hearing Sept. 6 with state insurance commissioners and another on Sept. 7 with governors.

Obamacare votes muddle Sen. Dean Heller's message in tough re-election bid

Eliza Collins, USA Today

Sen. Dean Heller, R-Nev., is struggling to get his messaging straight. And it's becoming a problem, because Heller - who won his last election by just 1 percentage point - is one of the most vulnerable GOP senators trying to keep his seat in the 2018 midterm elections.

Former Romney aide enters GOP primary to unseat Warren
Max Greenwood, The Hill

Beth Lindstrom, who served as an aide to former Massachusetts Gov. Mitt Romney (R), is mounting a bid to challenge Sen. Elizabeth Warren (D-Mass.) for her Senate seat. Lindstrom, a former consumer affairs director for Romney, cast herself in a video announcement as an "independent-minded Republican," saying "there's plenty of blame to go around" in Washington.

House

Dems' first wave of recruits 'outsiders' in 2017 version of Tea Party

Heidi M. Przybyla, USA Today

If there is a Democratic wave election in 2018, the tide will probably bring in individuals like Brendan Kelly, a state's attorney in St. Clair

County and former Navy officer who's never run for the state legislature or Congress. For Democrats like 41-year-old Kelly - a clean-cut Irishman and University of Notre Dame alum who's prosecuted corruption on both sides of the aisle and sat on the school board - entering national politics is no longer distasteful. It's necessary.

Gowdy and Mulvaney tweak each other on Twitter
Kyle Cheney, Politico

Rep. Trey Gowdy (R-S.C.) appeared to get into a pointed but apparently good-natured Twitter tiff Tuesday with Trump administration budget chief Mick Mulvaney, a fellow South Carolinian and former House member. Mulvaney tweeted a barb about Gowdy's famously shape-shifting mop of hair and joked that he'd buy Gowdy a comb and razor for his 60th birthday. Gowdy just turned 53.

States

Democratic gubernatorial candidates plunge into Confederate fight

Daniel Strauss and Negassi Tesfamichael, Politico

The white supremacist march that turned violent in Charlottesville, Virginia, is spurring a wave of Democratic governors and gubernatorial candidates to call for Confederate monuments in their states to come down. The push offers Democrats an opportunity to take on President Donald Trump and mobilize the base ahead of the 2018 elections - though some strategists say the focus should be on bread-and-butter issues rather than a revived culture war.

Iowa Seeks Ambitious Waiver to Reshape Health Law Within Its Borders

Anna Wilde Mathews et al., The Wall Street Journal

Iowa officials filed a federal application to alter major aspects of the Affordable Care Act next year, the most ambitious so far of a growing crop of state efforts to tweak the health law with the goal of shoring up individual insurance markets. Iowa's proposal, which state officials said they are already preparing to implement pending federal approval, would go the furthest in revamping the health law's rules, and its path will be closely watched in other states as Republican efforts to overhaul the ACA at the federal level appear stalled.

Trump signs resolution to improve safety at Metro
Martine Powers, The Washington Post

President Trump signed a resolution Tuesday giving final approval to the long-awaited Metro Safety Commission, the last legislative step in the years-long effort to establish an oversight organization tasked with making Metro safer. But there's plenty more that must still happen before the new agency is up and running.

Gov. Greitens stays execution of Marcellus Williams in 1998 murder
Jason Hancock, The Kansas City Star

Hours before Marcellus Williams was to be put to death for the 1998 murder of a former newspaper reporter, Gov. Eric Greitens issued a stay of execution and appointed a board to look into the case. "A sentence of death is the ultimate, permanent punishment," Greitens said in a statement Tuesday afternoon.

Advocacy

With alumni in the White House, Goldman sees an opening
Barney Jopson, Financial Times

When Lloyd Blankfein, Goldman Sachs' chairman and chief executive, arrived at the Rayburn building on Capitol Hill in late 2010, he was battered and bruised. At the time his bank was viewed as a vivid example of Wall Street misbehaviour.

**UPS CEO says tax reform could deliver more jobs to its
Louisville air hub**
Lawrence Smith, WDRB

A tax cut for UPS could deliver more jobs to Louisville. UPS Chairman and CEO David Abney, along with House Ways and Means Committee Chairman Kevin Brady, came to Louisville on Tuesday to push tax reform.

A Message from the Electronic Payments Coalition:

Taking a road trip to escape the heat this summer? Watch out for skimmers at gas stations, which can steal your card data-including PINs-and cause you a headache during your vacation. [Learn more](#) from EPC.

Opinions, Editorials and Perspectives

Trump's welcome self-correction
Editorial Board, The Washington Post

President Trump offered in his speech on Afghanistan Monday a rare but welcome story of self-correction. His "original instinct," he said, was "to pull out" of the country, but after studying the issue with his advisers over several months he realized that "the consequences of a rapid exit are both predictable and unacceptable."

Mr. Trump Sides With Wall Street; You Lose
The Editorial Board, The New York Times

The Trump administration has no grounds for blocking the "fiduciary rule," an Obama-era regulation that requires financial advisers to put their clients' interests first when giving advice or selling investments for retirement accounts. But blocking the rule remains an administration priority, no matter how arbitrary, capricious and harmful that would be.

Trump's Afghan Commitment
The Editorial Board, The Wall Street Journal

President Trump inherited a mess in Afghanistan, so give him credit for heeding his generals and committing to more troops and a new strategy. His decision has risks, like all uses of military force, but it will prevent a rout of our allies in Kabul and allow more aggressive operations against jihadists who would be delighted to plan global attacks with impunity.

Polls Show Trump Cratering? Not So Fast
Steve Kornacki, NBC News

Diagnosing the state of President Donald Trump's political health should be a simple matter. The story that the traditional metrics tell is straightforward.

Fake Polls Are A Real Problem
Harry Enten, FiveThirtyEight

Is Kid Rock leading the U.S. Senate race in Michigan? A story like that is essentially designed to go viral, and that's exactly what happened when Delphi Analytica released a poll fielded from July 14 to July 18.

A Message from the Electronic Payments Coalition:

\$2 BILLION! That's how much theft from gas station skimmers cost consumers in 2014. The Electronic Payments Coalition (EPC) has tips to help you protect yourself when you're filling up at home or traveling far and wide this summer.

Research Reports and Polling

Trump's Approval Rating Dips Below 40% for First Time After Charlottesville **Cameron Easley, Morning Consult**

Americans are taking a dimmer-than-ever view of President Donald Trump's job performance following his response to the white nationalist rally in Charlottesville, Va., earlier this month, when a woman was killed after a man aligned with one of the extremist groups allegedly drove a car through a crowd of counter-protesters. A new Morning Consult/POLITICO survey of 1,987 registered voters, conducted Aug. 17 through Aug. 19, shows 39 percent of respondents approve of the president while 56 percent disapprove, putting him 17 points underwater - the worst net rating he's posted since taking office.

US Senator Jeff Flake in Double Electoral Jeopardy Twelve Months Away from Primary Election **HighGround Public Affairs Consultants**

A statewide Arizona survey of 400 likely Arizona 2018 General Election voters shows Republican incumbent Senator Jeff Flake fourteen points behind his primary Republican opponent Kelli Ward and eight points behind prospective Democratic opponent U.S. Congresswoman Kyrsten Sinema (D, AZ-9). The Republican Primary Election sample was of 273 high efficacy Republican and PND/Independent voters and has a margin of error of $\pm 5.93\%$.



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Thursday, August 24, 2017



= A TOP NEWS

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Lawyer Groups Urge Congress To Not Split 9th Circ.

Several lawyer organizations, including the National Bar Association and the National Employment Lawyers Association, on Tuesday urged federal lawmakers not to push forward legislation to split up the Ninth Circuit, arguing that a division would threaten the integrity of the judiciary. [Read more »](#)

= 9

Trump Again Rattles NAFTA 'Termination' Saber

Just two days after the first round of talks to renegotiate the North American Free Trade Agreement wrapped up, President Donald Trump on Tuesday reiterated his openness to "terminating" the deal altogether. [Read more »](#)



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LAW FIRMS

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Analysis
= 9

Skeptical Courts May Undermine Trump's Energy Project Push

Recent court rulings ordering federal agencies to analyze the climate change impacts of fossil fuel projects highlight the legal hurdles facing President Donald Trump's executive orders encouraging faster approvals of energy infrastructure, and experts say that judges' willingness to acknowledge global warming may mean those executive orders end up slowing down — not speeding up — project development. Read more = 2

USCIS Updates Its Policy Manual On Inadmissibility Waivers

= 9
U.S. Citizenship and Immigration Services on Wednesday published an updated version of its guidelines for how foreign nationals who may not qualify for entry into the U.S. can overcome the barriers by applying for waivers. Read more » = 9

Jury Seated For Sen. Menendez Corruption Trial In NJ

= 9 A final panel of 16 jurors was selected Wednesday to hear the New Jersey federal court corruption trial of Sen. Bob Menendez and Florida ophthalmologist Salomon Melgen, setting the stage for a legal battle over whether the Democratic official accepted bribes from the doctor in exchange for political favors. Read more »

ENERGY & ENVIRONMENTAL

DOE Encouraged To Halt Expanded Natural Gas Exports

= 9

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Day Pitney
Greenbaum Rowe
Herssein Law Group
Hudson Cook
K&L Gates
Kobre & Kim
Lee Hong Degerman
Marten Law
McDermott Will
Miller Shakman
Moore & Van Allen
Norton Rose Fulbright
Shutts & Bowen
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New York Times Co.
New York University

A manufacturers' advocacy group on Tuesday urged the U.S. Department of Energy to immediately halt new liquefied natural gas exports to nations that do not have a free trade agreement with the U.S., imploring the agency to gather new data on the current policy's potentially adverse pricing effects. Read more » = 9

EMPLOYMENT

Union Slams Choice Of Mine Safety Admin. Acting Policy Head

= 9 The president of the United Mine Workers of America criticized the recent appointment of Wayne Palmer as acting policy head of the Mine Safety and Health Administration Tuesday, questioning how much the longtime congressional staffer knows about mine safety. Read more »

AEROSPACE & DEFENSE

= 9

GAO Urges DOD To Step Up Efforts On Foreign Military Sales

Despite improvement over time, the U.S. Department of Defense is still falling short of its performance goals for processing purchase requests made under the Foreign Military Sales program, the U.S. Government Accountability Office said in a report Tuesday. Read more » = 9

Navy Must Beef Up Logistics And Support Fleet, GAO Says

= 9 The U.S. Navy must put in place a plan to rejuvenate its fleet of logistics and transport ships or risk a decline in military readiness, according to an August report from the Government Accountability Office. Read more »

TAX

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Northern Mariana Islands Retirement Fund
Public Broadcasting Service
Public Knowledge

Rust Consulting Inc.

Sierra Club
Suntrust Banks Inc.
Tax Foundation
U.S. Energy Corp.
United Mine Workers of America
United Services Automobile Association
Verizon Communications
= 9

GOVERNMENT AGENCIES

Bureau of Citizenship and Immigration Services
Bureau of Land Management
California Department of Justice
Council on Environmental Quality
Defense Security Cooperation Agency
Executive Office of the President
= 9
Federal Bureau of Investigation
Federal Communications Commission
Federal Energy Regulatory Commission
Fish and Wildlife Service
= 9
Government Accountability Office
Internal Revenue Service
International Trade Commission
Military Sealift Command
Mine Safety and Health Administration
NAFTA

Bar On Religious Political Activity Still Applies, DOJ Says

The Trump administration urged a Wisconsin federal judge Tuesday to dismiss an atheist nonprofit's lawsuit accusing the president of giving churches unconstitutionally preferential tax treatment by easing enforcement of a prohibition on political endorsements by religious groups, arguing the group is challenging a policy that doesn't exist. [Read more »](#)

IMMIGRATION

= 9

No Class Cert. For Yemenis Held Up By Travel Ban

A California federal judge refused Tuesday to grant class certification to a group of Yemenis in the U.S. and relatives who say they were issued visas but improperly prevented from coming to America because of the Trump administration's travel ban, finding their "amorphous theory" made the case difficult. [Read more »](#) = 9

TELECOMMUNICATIONS

Net Neutrality Orgs Call For Consumer Complaint Docs

A group of 16 advocacy organizations has urged the Federal Communications Commission to release all consumer complaints related to net neutrality from the past two years before moving forward with rolling back its internet protections, which require service providers to treat all online content equally. [Read more »](#)

EXPERT ANALYSIS

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Renewable Energy In The Age Of Trump

Office of Surface Mining
Reclamation and Enforcement
Securities and Exchange
Commission

= A

U.S. Customs and Border
Protection

= 9

U.S. Department of Defense

U.S. Department of Energy

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of State

U.S. Department of the Interior

U.S. House of Representatives

U.S. Navy

= 9

U.S. Supreme Court

= 9 The same rhetoric from the Trump administration that mobilized coal country voters has worried renewable energy advocates. However, there are four areas where the current administration's policies could have a lasting effect on renewable energy development, say Andrew Bell and Reed McCalib of Marten Law PLLC. [Read more ½ B](#)

= 9

Time To Prepare For Military Lending Act Compliance

Many of the Military Lending Act's requirements remain fuzzy and unclear, while the penalties imposed are draconian. The temporary exemption for credit cards is now set to expire in little more than a month, and the U.S. Department of Defense has not given any indication that it plans to extend the compliance date another year, say Ronald Gorsline and Erica Kramer of Hudson Cook LLP. [Read more »](#)

A Law Firm Guide To Helping Victims Of Human Trafficking

Unlike victims of many crimes, human trafficking survivors often have complicated legal problems related to the experience of being trafficked — everything from criminal records to custody disputes to immigration obstacles. Many law firms already provide assistance in these areas and can easily transition resources and expertise, says Sarah Dohoney Byrne of Moore & Van Allen PLLC. [Read more »](#)

LEGAL INDUSTRY

= 9

Analysis

How The GRE May Help Bridge Law's Tech Gap

As technology plays an ever larger role in the delivery of legal services, the deans of three law schools say accepting the GRE as an entrance exam could help them dip into a highly sought-after pool of talent: science and technology students. [Read more »](#)

= A

Chicago Law Firm Sues Ex-Partners Over Alleged Client Theft

Hale Law LLC sued two of its former partners in Illinois county court Tuesday, claiming the pair wooed away business from the city of Chicago, its biggest client, for a new firm they were forming while still working at Hale. [Read more »](#)

= A

Judge's Facebook Friendship Isn't Disqualifying: Fla. Court= A

= 9 A Florida appeals court declined Wednesday to disqualify a judge for being Facebook friends with an attorney involved in a suit over which she presided, ruling that the online relationship is not automatically disqualifying. [Read more »](#)= A

Law Firm Duped By Email Scammers In Wage And Hour Case

The legal industry's susceptibility to cyberattacks was on display Tuesday in a Los Angeles courtroom, where a Superior Court judge warned attorneys about a recent incident in which email phishing scammers duped a law firm into handing over \$500,000 meant for plaintiffs in a wage and hour class action. [Read more »](#)

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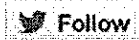
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Subject: Anti-Trump Website Host Ordered To Give DOJ Protester Info



Friday, August 25, 2017



TOP NEWS

Anti-Trump Website Host Ordered To Give DOJ Protester Info

A D.C. judge ordered internet hosting service DreamHost Inc. on Thursday to comply with a federal search warrant seeking data from a website that organized anti-Trump protests during this year's presidential inauguration, though the judge agreed to supervise the process amid First Amendment concerns. [Read more »](#)

Mass. 1st Amendment Row Over Anti-SLAPP Law Might Settle

The parties in a suit that could have reshaped First Amendment rights in Massachusetts said in a filing Wednesday that they're close to settling the dispute over alleged defamation linked to architectural renderings of a dream home. [Read more »](#)

Texas Judge Denies NAACP Bid To Intervene In EEOC Case

A Texas federal judge on Wednesday denied a bid by the NAACP Legal Defense Fund and other groups to intervene in the state's challenge of U.S. Equal Employment Opportunity Commission guidance on the use of criminal background checks in hiring, rejecting their claim that the Trump



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LAW FIRMS

Akin Gump
Arnold & Porter Kaye Scholer
Ashurst LLP
Baker Botts
Berkey Williams
Bradley Arant
Cadwalader Wickersham
Casellas Alcover

administration would cede the case. Read more »

Analysis

DC Circ. Ruling Sets Stage For Longer, Costlier FERC Reviews

The D.C. Circuit's recent ruling that the Federal Energy Regulatory Commission should have analyzed downstream greenhouse gas emission impacts before approving a natural gas pipeline to Florida will force the agency to more fully address climate change in future project reviews, making the approval process longer and more expensive for developers, experts say. Read more »

CBO Stresses Its 'Culture Of Objectivity' On ACA Repeal

The Congressional Budget Office on Thursday pushed back against questions about its objectivity on Affordable Care Act repeal efforts, releasing an unusual letter to a Republican congressman who has criticized the nonpartisan agency. Read more »

Fried Frank Partner Tapped As New DOJ Antitrust Deputy

The U.S. Department of Justice has brought in another deputy assistant attorney general for its Antitrust Division, with the agency on Thursday confirming the addition of former Fried Frank Harris Shriver & Jacobson LLP partner and Federal Trade Commission veteran Bernard A. Nigro to its ranks. Read more »

ENERGY & ENVIRONMENTAL

DOE Electricity Grid Study Points To Impact Of Gas On Coal

A politically charged report on the nation's power grid reliability published by the Department of Energy late Wednesday found that natural gas has been the driving factor in

Chaffe McCall
Cleary Gottlieb
Cohen Milstein
Covington & Burling
Cravath Swaine
Davis Polk
Day Pitney
Drinker Biddle
Earthjustice
Fox Rothschild
Freshfields
Fried Frank
Hogan Lovells
Holland & Hart
Irwin Fritchie
K&L Gates
Keker Van Nest & Peters
Keogh Law Ltd.
Kilpatrick Townsend
King & Spalding
Kirkland & Ellis
Labaton Sucharow
Levy Ratner
Lewis Brisbois
Linklaters
Littler Mendelson
Ludwig & Robinson
McGuireWoods
Mitchell Williams
Morgan Lewis
Murray & Murray
Paul Hastings
Paul Weiss
Pepper Hamilton
Pillsbury Winthrop
Polsinelli
Potter Anderson
Proskauer Rose

pushing nuclear and coal plants toward retirement. Read more »

BLM To Fix 'Narrow Deficiencies' In Water Project Approval

A federal judge on Wednesday concluded that the U.S. Bureau of Land Management mostly fulfilled its duties in deciding to allow the Southern Nevada Water Authority to build the first phase of a water redistribution pipeline project meant to transport millions of gallons of water across the state, but he told the agency to fix some "narrow deficiencies." Read more »

Summit Sues Feds For Defunding Clean Energy Project

Summit Texas Clean Energy LLC hit the federal government with a suit on Wednesday alleging the U.S. Department of Energy breached an implied duty of good faith when it publicly withdrew its support for the company's project designed to capture and store carbon dioxide. Read more »

Fisheries Service Gets Quick Win In Reporting Methods Fight

A D.C. federal judge on Thursday handed a quick win to the National Marine Fisheries Service in a suit challenging its bycatch reporting methodology, ruling that the service has established sufficient standardized methods that meet the requirements of the Magnuson-Stevens Act. Read more »

MEDIA & ENTERTAINMENT

New Jersey Joins List Of States With Fantasy Sports Laws

New Jersey became the latest state to legalize daily fantasy sports games like those run by FanDuel and DraftKings after Gov. Chris Christie on Thursday signed a bill expressly legalizing and regulating the games in the state. Read more »

EMPLOYMENT

Quinn Emanuel
Saul Ewing
Scott D. Owens Law Firm
Shapiro Arato
Shearman & Sterling
Shook Hardy
Sidley Austin
Slaughter and May
Steptoe & Johnson LLP
Sullivan & Cromwell
Tucker Ellis
Venable LLP
Vinson & Elkins
Watkins & Eager
Weil Gotshal
Willkie Farr

COMPANIES

Amazon.com Inc.
American Bar Association
American Federation of Labor and Congress of Industrial Organizations
Assured Guaranty Ltd.
Babcock & Wilcox Co.
Barclays Capital Inc.
Bayer AG
Center for Biological Diversity Inc.
Colfax Corporation
DraftKings Inc.
Facebook
FanDuel Inc.
Goldman Sachs Group Inc.
Gulf Oil Limited Partnership
Johnson & Johnson
Kaspersky Lab Ltd.
LinkedIn Corp.
Los Angeles Lakers
Media General Inc.

SEIU, Fight For \$15 Launching Campaign For Pro-Worker Pols

Members of the Service Employees International Union and Fight for \$15 will campaign to unseat battleground-state politicians who have opposed minimum wage increases and union rights starting Labor Day, the groups said Thursday. [Read more »](#)

AFL-CIO Demands US Action On Mauritania Labor Policies

The AFL-CIO on Wednesday pressured the Trump administration to consider removing Mauritania from a key trade preference program, citing the "widespread" existence of slave and child labor in the West African nation. [Read more »](#)

PRIVACY & CYBERSECURITY

White House Advisory Group Urges Action On Cyberthreats

A White House advisory group issued a warning on the readiness of U.S. cybersecurity infrastructure to handle aggressive cyberattacks, finding that the country is currently in a pre-9/11 situation when it comes to the threat of a massive cyberattack, but the opportunity to prevent such an incident does exist. [Read more »](#)

AEROSPACE & DEFENSE

McCaskill Wants DOD To Explain Improper Payment Program

Sen. Claire McCaskill, D-Mo., asked the U.S. Department of Defense on Wednesday to explain its efforts to track and cut down on improper payments, citing a recent watchdog report claiming the DOD had failed to follow related statutory requirements. [Read more »](#)

BANKRUPTCY

NAACP Legal Defense and Educational Fund Inc.
National Employment Law Project
National Milk Producers Federation
National Rifle Association of America
National Right to Work Legal Defense Foundation
Natural Resources Defense Council
New York Times Co.
Nexstar Broadcasting Group, Inc.
Oceana Inc.
Reckitt Benckiser Group PLC
S&P Global Inc.
S.A.C. Capital Advisors LP
SNL Financial LC
Service Employees International Union
Sierra Club
Skype Technologies SA
Southern Poverty Law Center
Spokeo Inc.
Summit Power Group LLC
Trader Joe's Co.
WhiteWave Foods Co.
Whole Foods Market, Inc.
YouTube Inc.

GOVERNMENT AGENCIES

Bureau of Labor Statistics
Bureau of Land Management
Cherokee Nation
Commodity Futures Trading Commission
Congressional Budget Office
Consumer Financial Protection Bureau
Department of Commerce

Puerto Rico Creditors Want In On \$6.2B Adversary Suit

Unsecured creditors blasted a decision by the judge overseeing Puerto Rico's ongoing restructuring that bars them from appearing in a bond insurer suit over the island's fiscal plan, telling the First Circuit on appeal that the judge clearly erred by boxing them out of such a crucial adversary proceeding. [Read more »](#)

IMMIGRATION

Border Patrol Policy Didn't Target Hispanics, 6th Circ. Says

A Sixth Circuit panel found Thursday that the U.S. Border Patrol's Sandusky Bay Station in Ohio did not exhibit a policy of allowing its agents to target individuals of Hispanic appearance, reasoning that there was no evidence of such a policy and affirming an Ohio federal court's decision in a suit brought by two migrant farmworkers organizations. [Read more »](#)

NATIVE AMERICAN

Tribe Pushes To Revive Suit Over Calif. Gov. Casino OK

The United Auburn Indian Community continued Wednesday to press the California Supreme Court to revive its lawsuit challenging Gov. Jerry Brown's role in greenlighting another tribe's competing off-reservation casino project, calling his arguments that he had not exceeded his authority or violated the separation of powers among government branches "off the mark." [Read more »](#)

EXPERT ANALYSIS

Dairy Vs. Plant-Based 'Milks': A Regulatory Standoff

Sales of nondairy milk alternatives are flourishing, but the dairy industry charges the U.S. Food and Drug Administration with failing to enforce its own labeling regulations

Enterprise Rancheria of Maidu Indians

Equal Employment Opportunity Commission

European Union

Federal Deposit Insurance Corp.

Federal Energy Regulatory Commission

Federal Reserve System

Federal Trade Commission

Financial Crimes Enforcement Network

Financial Stability Oversight Council

Food and Drug Administration

National Institute of Standards and Technology

National Marine Fisheries Service

National Oceanic and Atmospheric Administration

National Security Council

New York State Department of Financial Services

North Fork Rancheria of Mono Indians

Nuclear Regulatory Commission

Office of the Comptroller of the Currency

Office of the U.S. Trade Representative

Securities and Exchange Commission

Southern Nevada Water Authority

U.S. Attorney's Office

U.S. Department of Agriculture

U.S. Department of Defense

U.S. Department of Defense Office of Inspector General

U.S. Department of Energy

U.S. Department of Homeland Security

regarding the definition of "milk." The longer terms like soy milk, almond milk and coconut milk remain in use, the stronger the argument for their continued use to describe these products, say attorneys with Shook Hardy & Bacon LLP. [Read more »](#)

Real Estate Industry In Anti-Money Laundering Crosshairs

An advisory issued this week by the Financial Crimes Enforcement Network offers glimpses into FinCEN's strategy to combat money laundering in the residential real estate sector — a strategy that may have significant adverse implications for U.S. real estate lawyers, says Kevin Shepherd of Venable LLP. [Read more »](#)

CFPB Arbitration Rule: What To Know And How To Plan

Unless Congress invalidates the Consumer Financial Protection Bureau's recently announced arbitration rule through use of the Congressional Review Act or other (more protracted) means, the rule will become effective Sept. 18. Attorneys with Hogan Lovells examine what this means for covered financial institutions and what they should do now. [Read more »](#)

NY Regulations Set The Bar High For Cybersecurity Standards

New York's cybersecurity regulations take effect on Aug. 28, marking a significant milestone in what is likely to be a new era in cybersecurity regulation on both a national and international level. The regulations are already playing a role in setting expectations for best practices across the financial services industry, say attorneys with Cleary Gottlieb Steen & Hamilton LLP. [Read more »](#)

What's Changed Under Delaware's New Data Breach Law

For the first time in 12 years, Delaware has updated its data breach disclosure law, joining a small but growing number of states that impose data security requirements on persons

U.S. Department of Justice
U.S. Department of State
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. House of Representatives
U.S. Senate
U.S. Supreme Court
United Auburn Indian Community
United Nations

conducting business in the state and owning, licensing or maintaining personal information of residents, says William Denny of Potter Anderson & Corroon LLP. [Read more »](#)

Heller Sequels And 2nd Amendment, Still Undecided: Part 3

In the final installment of this three-part series, attorney Robert W. Ludwig concludes his deep dive into the controversial history of Second Amendment jurisprudence. [Read more »](#)

Opinion

Cobell Buy-Back Must Advance Indian Country Interests

The Cobell buy-back program is the result of a settlement, and its implementation should be focused on how best to serve the plaintiff class and the communities from which they come. Because the Trump administration's July 28 announcement is a dramatic departure from this approach, it should be reconsidered, says Keith Harper of Kilpatrick Townsend & Stockton LLP. [Read more »](#)

LEGAL INDUSTRY

Analysis

4 Tips For Creating A Successful Law Firm Podcast

As podcasts grow in popularity, BigLaw is capitalizing on the trend, with new shows created by law firms popping up regularly — but not all of them are created equal. Here, experts offer four tips for creating a killer podcast. [Read more »](#)

Freshfields Won't Increase Associate Pay Bands This Year

Freshfields Bruckhaus Deringer LLP decided not to raise the pay bands for its trainees and young associates in London for this year, with newly qualified attorneys continuing to earn £85,000 after a £17,500 increase last year, the firm confirmed to Law360 on Thursday. [Read more »](#)

Law360's Weekly Verdict: Legal Lions & Lambs

Amazon won approval Wednesday for its planned \$13.7 billion acquisition of Whole Foods, earning the retail giant's attorneys at Sullivan & Cromwell LLP and Covington & Burling LLP a spot on this week's legal lions list, while a \$417 million jury verdict against Johnson & Johnson over a link between the company's talcum powder and cancer landed its counsel at Tucker Ellis LLP, Sidley Austin LLP, Proskauer Rose LLP and Shook Hardy & Bacon LLP among this week's legal lambs. Read more [1/2 B](#)

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Right-to-Work Is Right for America

This week is National Employee Freedom Week (NEFW), an annual effort started by the Nevada Policy Research Institute and the Association of American Educators to highlight the benefits of giving employees the freedom to opt out of union membership. The Heartland Institute is one of many participating organizations in NEFW.

Currently, there are 28 states with right-to-work (RTW) legislation, which gives workers the right to refrain from joining a union, including not having to pay union dues or fees, without being penalized.

A newly released NEFW study compares the attitudes, performances, and management of union employees in RTW states compared to those in non-RTW states. When asked about contract negotiations, working conditions, job security, fringe benefits, and number of hours worked, union members in both RTW states and non-RTW states rated these factors highly, with no significant differences between their ratings.

Opponents of RTW say union members in non-RTW states are significantly disadvantaged, but the study found members in both RTW and non-RTW states “expressed broad support [above 70 percent] for the opportunity to regularly vote on whether to keep representation from their current union (a process often called ‘recertification.’)”

RTW policies also have been proven to have a positive economic impact on state economies. A survey of CNBC's Global CFO Council members shows two-thirds believe RTW laws are "important" or "very important" when it comes to business location or expansion. States with these policies have attracted more businesses, experienced greater job growth, and *increased union membership* compared to states without RTW laws, such as Illinois.

As Senior Policy Analyst Matthew Glans describes in a recent *Research & Commentary* on the subject, "States enacting RTW policies have experienced positive economic progress across the board. Regionally, Indiana, Iowa, Kentucky, Michigan, Missouri, and Wisconsin have passed RTW and experienced far greater job growth than Illinois has over the same period."

Ball State University professor Michael Hicks concluded in his 2016 study on the effect right-to-work laws have on worker productivity: "We estimate a Cobb-Douglas production function for manufacturing industries at the state level and find that total factor productivity in non-RTW states was about 57 percent of the level in RTW states. ... Furthermore, our firm-level analysis from the 2007 Survey of Business Owners found that RTW states achieved higher productivity (sales per employee) than firms in non-RTW states."

Additionally, a 2014 Gallup poll found a majority of Americans, Democrats and Republicans alike, approve of RTW laws. Seventy-one percent of respondents said they would vote for such laws and 82 percent said they believe "no American should be required to join any private organization, like a labor union, against his will."

Union membership rates are at all-time lows, and RTW law adoptions are at all-time highs. State legislators should consider carefully this trend toward embracing employee freedom and implement right-to-work legislation in their own state.

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WHAT WE'RE WORKING ON

Education

Research & Commentary: Existing Accountability Laws for Milwaukee Parental Choice Voucher Program Working as Designed

In this *Research & Commentary*, Policy Analyst Tim Benson writes about a new report from the Wisconsin Institute for Law and Liberty that found the accountability provisions for the Milwaukee Parental Choice Program, an important school choice policy, are working as intended, helping to remove low-performing and unsafe schools from the program and allowing high-quality schools to grow. [Read more](#)

Energy & Environment



Fossil-Fuel Divestment Could Cost Public Pensions Big Bucks, Study Finds

In this article for *Environment & Climate News*, Managing Editor H. Sterling Burnett writes about a new study compiled by Compass Lexicon that shows fossil-fuel divestment is costly to investors. According to the report, university endowments and public employee pension funds that bow to environmentalists' demands that they divest their holdings from companies involved with the fossil-fuel industry could suffer significant losses, or at a minimum, have their endowments, portfolios, and retirement funds grow by substantially less than they otherwise would. The report notes environmental groups have already pressured more than 1,000 universities and state and city retirement funds to divest their holdings of stocks and bonds in companies that finance, produce, transport, or burn fossil fuels to produce electricity, which they blame for numerous alleged environmental problems and climate change. [Read more](#)

Budget & Tax

Research & Commentary: Reducing COLAs to Bring Pension Costs Down

In this *Research & Commentary*, Senior Policy Analyst Matthew Glans examines state pension reform and the effects of changing cost of living adjustments. "Taxpayers cannot afford for states to continue overpromising and underfunding their pension plans. States should consider reducing COLAs or ending automatic COLAs outright," wrote Glans. [Read more](#)

Health Care

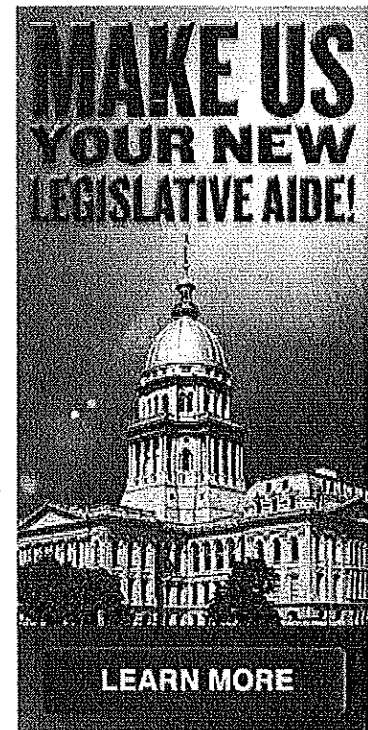
Heartland Daily Podcast: Only Liberty Can Loose the Gordian Knot of Health Care Reform

In this edition of the *Heartland Daily Podcast*, host Michael Hamilton argues in his final broadcast of the *Health Care News Podcast* Congress should learn from Alexander the Great: Health care reform is the Gordian Knot that Republicans and Democrats alike will never untie as long as they continue granting the faulty premises of the Affordable Care Act. [Listen here](#)

From Our Free-Market Friends

'Legalized theft' Continues in Clark County

Earlier this month, the Nevada Policy Research Institute released a study examining the controversial civil-asset forfeiture program used by the Las Vegas Metropolitan Police Department. Policy Analyst Daniel Honchariw analyzed seizures and forfeiture data from the 2016 report, which Nevada law enforcement agencies must file annually with the state's attorney general. "[M]ost forfeitures were for amounts less than \$1,000 — making it cost-prohibitive for innocent parties to



POLICY NEWSPAPER

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The August 2017 issue of *Environment & Climate News* reports that the New Hampshire Gov. Chris Sununu will not join the U.S. Climate Alliance, which currently consists of 12 states and Puerto Rico. The alliance was formed after the United States withdrew from the Paris Climate Agreement in June, and members pledge to uphold the climate

contest the seizure” and “occurred mostly in low-income, minority neighborhoods,” Honchariw wrote. [Read more](#)

agreement by reducing greenhouse-gas emissions.

[Budget & Tax News](#)

[Health Care News](#)

[School Reform News](#)

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The Heartland Institute

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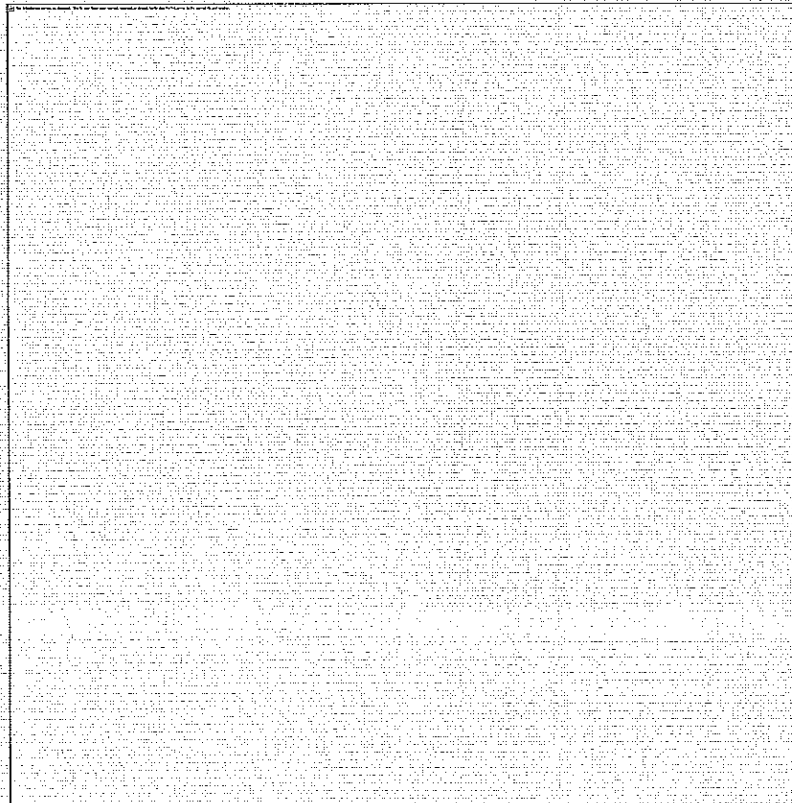
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By Eli Yokley

Week in Review

The White House

- President Donald Trump signed a directive banning transgender people from joining the military. He also instructed the Pentagon and the Department of Homeland Security to evaluate what to do with transgender people who are currently serving.
- Trump pardoned former Arizona Sheriff Joe Arpaio, who had been convicted of criminal contempt for not following a judge's order to stop detaining Latinos solely on suspicions about their immigration status.
- Sebastian Gorka, a former Breitbart staffer who served as a deputy assistant to Trump, is no longer part of the administration. A White House official said Gorka did not resign, but confirmed that he is no longer employed at the White House.
- Trump threatened to shutdown the federal government if Congress does not include funding for his proposed border wall in a forthcoming spending measure that needs to be passed before Oct. 1 to avoid a shutdown.
- North Korea used multiple-rocket launchers to test three short-range missiles, the first such test since it launched two intercontinental ballistic missiles last month and threatened the United States.
- Trump outlined a new strategy for the war in Afghanistan in a primetime address. The administration's plan includes sending 3,900 additional U.S. troops to the country.
- The president's approval rating fell to a new low following his response to the deadly protest in Charlottesville, Va. on Aug. 12,

with 39 percent of voters saying they approve of his job performance, compared with 56 percent who said they disapprove.

Congress

- Senate Majority Leader Mitch McConnell (R-Ky.) pushed back on media reports of a growing divide between him and Trump, saying in a statement that they're both "committed to advancing our shared agenda together."
- Sen. Jeff Flake (R-Ariz.) faced more criticism from Trump, whose attacks were featured in a campaign commercial by Flake's top Republican challenger, former state Sen. Kelli Ward. Trump met with other possible Republican primary challengers during his visit to Phoenix.
- House Speaker Paul Ryan (R-Wis.) took some flak from constituents during a town hall in his congressional district hosted by CNN. He later visited Oregon to tout the GOP's tax plan and said he's confident the House would pass the proposal by year's end.
- Missouri state Rep. Marsha Haefner said she's considering a campaign for the Republican nomination to challenge Democratic Sen. Claire McCaskill next year. Irked by the focus of party brass on state Attorney General Josh Hawley, she met with consultants in Washington about a possible campaign.
- Rep. Ed Perlmutter (D-Colo.) reversed course and said he will run for re-election in Colorado's Seventh District next year. He previously sought the Democratic nomination for governor in 2018 but dropped his bid in July.

What's Ahead

- Congress will reconvene on Sept. 5.
- Trump is expected to travel to Missouri this week to campaign for tax reform. Hawley, the state's top GOP prospect to run for Senate next year, will not be in attendance. One of his top backers recently wrote an opinion piece urging Republicans to "disassociate ourselves from Trump."
- Five governors - Charlie Baker (R-Mass.), Steve Bullock (D-Mont.), Bill Haslam (R-Tenn.), Gary Herbert (R-Utah) and John Hickenlooper (D-Colo.) - are slated to discuss bipartisan fixes to the Affordable Care Act at a hearing on Capitol Hill. Their testimony will follow another hearing with state insurance commissioners.
- A judge in New Jersey denied requests by Democratic Sen. Robert Menendez's lawyers to delay his corruption trial or let them explain his absence to a jury if the trial interferes with Senate votes. Oral arguments are set to begin Sept. 6.

Events Calendar (All Times Local)

MONDAY

Brookings Institution event on criminal justice reform 10 a.m.

Cato Institute on the politics of 'Game of Thrones' 6:30 p.m.

TUESDAY

National Press Club lunch event with new NAACP President
Derrick Johnson 12:30
p.m.

WEDNESDAY

AEI event on retirement income 10 a.m.

Heritage Foundation event on Iran 12 p.m.

THURSDAY

Brookings Institution event on global financial ecosystem 10 a.m.

National Press Club book event with Sheryl Attkisson 6:30 p.m.

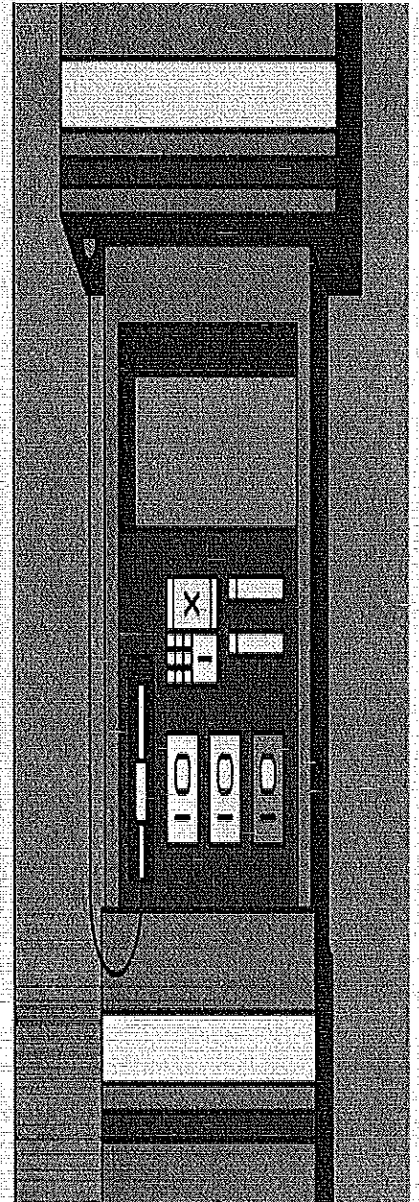
FRIDAY

No events scheduled

\$2 BILLION! That's how much theft
from gas station skimmers cost consumers in 2014.
The Electronic Payments Coalition (EPC) has tips
to help you protect yourself when you're filling up
at home or traveling far and wide this summer.



LEARN MORE FROM EPC



Morning Consult Washington Top Reads

1) Trump threatens shutdown, suggests controversial pardon at Arizona rally

John Wagner et al., The Washington Post

2) Ryan faces heat back home in Wisconsin

Rachael Bade, Politico

3) McConnell, in Private, Doubts if Trump Can Save Presidency

Alexander Burns and Jonathan Martin, The New York Times

4) Is Anybody Home at HUD?

Alec MacGillis, New York Magazine

5) Trump's Approval Rating Dips Below 40% for First Time After Charlottesville

Cameron Easley, Morning Consult

6) Navy orders 7th Fleet review amid search for 10 from McCain

Lolita C. Baldor, The Associated Press

7) Emails: Breitbart editor pledges to do 'dirty work' for Bannon, smears Ivanka

Oliver Darcy and Jake Tapper, CNN

8) A Second Korean War Could Quickly Spread Across All of Asia

Brendan Scott and Adrian Leung, Bloomberg

9) Senate Health Panel Will Hear From Governors, Insurance Leaders

Mary Ellen McIntire, Roll Call

10) White House Sets Rules for Military Transgender Ban

Gordon Lubold, The Wall Street Journal



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Subject: GOP Lawmakers Urge Trump To Extend DACA



Monday, August 28, 2017



TOP NEWS

GOP Lawmakers Urge Trump To Extend DACA

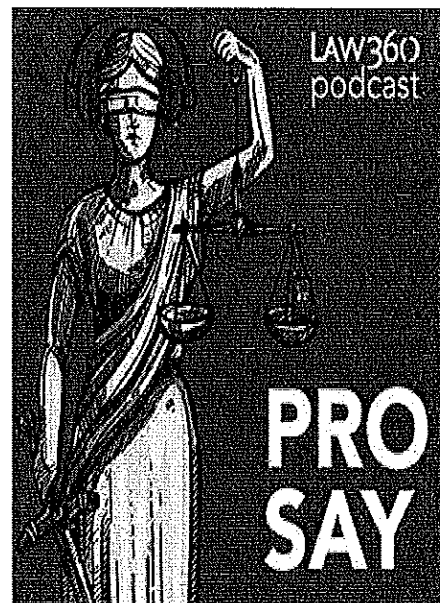
A group of House Republicans have urged President Donald Trump to retain the Deferred Action for Childhood Arrivals program, suggesting the administration instead focus its immigration enforcement efforts on criminals. [Read more »](#)

Trump Officially Reinstates Transgender Military Ban

President Donald Trump penned a presidential memo Friday instructing the U.S. Department of Defense to stop accepting transgender individuals who seek to enroll in the military, taking an official step toward implementing the policy change since he first announced his intentions in a July 26 tweet. [Read more »](#)

Yellen Cautions Against Broad Bank Rule Rollback

Federal Reserve Chair Janet Yellen on Friday said that the regulatory changes put in place after the financial crisis have made banks and other aspects of the financial system significantly safer, and warned against making big changes that could weaken those rules. [Read more »](#)



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LAW FIRMS

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Chiesa Shahinian
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Menendez, Feds Clash Over Bid To Adjourn Trial For Votes

Prosecutors and defense counsel clashed again on Friday over Sen. Bob Menendez's bid to adjourn his upcoming corruption trial on certain days to allow him to participate in critical votes on Capitol Hill, three days after a New Jersey federal judge refused to grant such a request [Read more »](#)

Fed To Unveil Final Qualified Financial Contracts Rule

The Federal Reserve said Friday it will soon release a final version of rules that would prevent investors from immediately breaking derivative and other financial contracts when a global bank fails. [Read more »](#)

Calif. Says IMDb Age Info Not Protected By 1st Amendment

California's attorney general told a federal court judge on Thursday that IMDb's inclusion of actors' ages on its site is not protected by the First Amendment, with the Screen Actors Guild joining his push to deny the website a quick win in its suit over legislation meant to combat age-discrimination. [Read more »](#)

BANKING & SECURITIES

Piwowar Didn't Abuse Acting Chair Role, SEC Watchdog Says

The U.S. Securities and Exchange Commission's inspector general said Thursday that his office was unable to conclude that Commissioner Michael Piwowar exceeded his authority or undermined the agency's mission while acting chair, after a group of Democratic senators requested an investigation. [Read more »](#)

Rep. Waters Urges Hearing On SoFi Bid For Bank-Like Status

Rep. Maxine Waters asked the Federal Deposit Insurance Corp. on Friday to hold a public hearing on an application by online

Cooley
Drummond Woodsum
Earthjustice
Epstein Becker Green
Galanda Broadman
Gibson Dunn
Greenbaum Rowe
Greenberg Traurig
Harder Mirell
Harris Bricken
Hobbs Straus
Hoguet Newman
Holland & Knight
Hueston Hennigan
Husch Blackwell
Irell & Manella
Jenner & Block
Jones Day
Kirkland & Ellis
Kobre & Kim
Kozyak Tropin
Latham & Watkins
Lynn Pinker
McCarter & English
McDermott Will
Moore & Van Allen
Morgan Lewis
Morris Manning
Morrison & Foerster
Neville Peterson
Norton Rose Fulbright
Ogletree Deakins
Orrick Herrington
Paul Weiss
Pepper Hamilton
Pillsbury Winthrop
Proskauer Rose
Quinn Emanuel

lender SoFi to be given a bank-like status in Utah and become part of the federal bank account insurance scheme, saying the application raises questions of fairness and oversight. [Read more »](#)

ENERGY & ENVIRONMENTAL

5th Circ. Won't Send Texas-EPA Air Quality Fight To DC

The Fifth Circuit on Friday rejected the U.S. Environmental Protection Agency's bid to transfer a dispute with Texas over air quality standards to the D.C. Circuit, saying the agency hasn't shown that the Lone Star State is challenging an EPA action that is applicable or effective nationwide. [Read more »](#)

Power Cos. Take NY Nuclear Plant Subsidy Fight To 2nd Circ.

A coalition of independent power producers on Thursday asked the Second Circuit to weigh in on a New York federal judge's backing of the Empire State's plan to subsidize struggling nuclear power plants, the judge rejecting arguments that the plan intrudes on federal jurisdiction of wholesale electricity markets. [Read more »](#)

Enviros Seek Records On Industry Role In Fuel Reg Rollback

The Center for Biological Diversity wants the federal government to hand over any communications it may have had with auto industry lobbyists related to the potential rollback of fuel economy standards, the environmental group announced Thursday. [Read more »](#)

Mo. City Hurt More If It Wins Water Standard Case, EPA Says

The U.S. Environmental Protection Agency told the Eighth Circuit Thursday to toss a case filed by the city of Kennett, Missouri, opposing EPA-approved pollution limits for a wastewater treatment plant, saying if the city won its case it

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Amazon.com Inc.
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American Federation of Labor and Congress of Industrial Organizations
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Bank of America Corporation
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CITGO Petroleum Corp.
Calpine Corporation
Center for Biological Diversity Inc.
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Chevron Corporation
Cisco Systems Inc.
Dynegy Inc.
EchoStar Corporation
Exelon Corporation

would actually cost the city more, not less.
Read more »

HEALTH & LIFE SCIENCES

RoxyBond Rival Can't Use Suit To Delay Sales, FDA Says

Pharmaceutical Manufacturing Research Services Inc. can't use a suit challenging how quickly the U.S. Food and Drug Administration responded to safety concerns it raised in citizen petitions to effectively delay a competitor coming on the market with its abuse-deterrent opioid RoxyBond, the agency told a Pennsylvania federal court Thursday.
Read more »

IP & TECHNOLOGY

Trump Taps Irell Partner Andrei Iancu To Lead USPTO

The White House nominated Irell & Manella LLP managing partner Andrei Iancu on Friday to lead the U.S. Patent and Trademark Office, where the intellectual property litigator would fill the role vacated by Michelle Lee in June.
Read more »

TRANSPORTATION & INFRASTRUCTURE

GWB Scandal Figures Urge 3rd Circ. To Toss Convictions

Two former associates of New Jersey Gov. Chris Christie on Friday called on the Third Circuit to toss their convictions on charges of reducing local access lanes to the George Washington Bridge in an act of political payback, claiming that the alleged revenge scheme did not amount to a crime. Read more »

EMPLOYMENT

Facebook
Fannie Mae
Freddie Mac
Gilead Sciences Inc.
Global Automakers
Goldman Sachs Group Inc.
Google Inc.
Independent Community Bankers of America
International Brotherhood of Teamsters
International Swaps and Derivatives Association
Johnson & Johnson
Kirkland's, Inc.
Ladish Co., Inc.
Lehman Brothers Holdings Inc.
Luminant Generation Co. LLC
Lyft Inc.
Microsoft Corporation
Motorola Mobility LLC
NRG Energy Inc.
National Association of Broadcasters
National Association of Manufacturers
National Right to Work Legal Defense Foundation
Platinum Partners LP
QUALCOMM Incorporated
S.A.C. Capital Advisors LP
Santander Consumer USA Holdings Inc.
Sequenom, Inc.
Sierra Club
Stepan Co.
Talen Energy Corp.
The Cato Corporation
The Nature Conservancy
TiVo Corp.

Atlantic City Firefighters Score Victories To Avoid Layoffs

Atlantic City firefighters won a pair of victories on Friday when a New Jersey state judge blocked the state from immediately reducing their department by about 25 percent and Gov. Chris Christie signed legislation requiring that such personnel be offered an early retirement incentive plan before the state could fire them. [Read more »](#)

Judge Unleashes Seattle's Uber Unionization Law

A Washington federal judge on Thursday lifted a preliminary block on Seattle's Uber ordinance allowing gig-economy drivers to unionize, dismissing one suit brought by drivers and denying the U.S. Chamber of Commerce a new injunction as the business lobby seeks to revive its antitrust challenge. [Read more »](#)

INTERNATIONAL TRADE

Biz Groups Want Strong Arbitration Rules Kept In NAFTA

A trio of the most powerful U.S. business coalitions stressed the importance of a strong international arbitration system in a letter to Trump administration officials involved in the renegotiation of the North American Free Trade Agreement, a day after the president said the U.S. could still ax the pact. [Read more »](#)

Trump Slaps Venezuela's Maduro Regime With Sanctions

President Donald Trump announced Friday that his administration would impose new economic sanctions on the regime of President Nicolás Maduro in response to what it characterized as attacks on Venezuela's democratic institutions. [Read more »](#)

ITA To Probe Fittings Stamped 'Malaysia' To Skip China Duty

U.S. Chamber of Commerce
Uber Technologies Inc.
Verizon Communications
Warner Bros.

GOVERNMENT AGENCIES

Confederated Tribes of Warm Springs
Department of Commerce
Equal Employment Opportunity Commission
European Union
Executive Office of the President
Federal Communications Commission
Federal Deposit Insurance Corp.
Federal Energy Regulatory Commission
Federal Housing Administration
Federal Reserve Bank of Kansas City
Federal Reserve System
Federal Trade Commission
Food and Drug Administration
Hopi Tribe
International Trade Administration
International Trade Commission
Las Vegas Paiute Tribe
NAFTA
National Economic Council
National Highway Traffic Safety Administration
Navajo Nation
New York Attorney General's Office
Office of Foreign Assets Control
Office of Justice Programs
Office of the Comptroller of the Currency
Port Authority of New York & New Jersey

The Department of Commerce will investigate allegations from domestic producers that pipe fittings from Malaysia actually originate in China and thus circumvent anti-dumping orders, a decision published Friday said. Read more »

IMMIGRATION

Trump Admin. Hits Back At Chicago In Sanctuary City Fight

The U.S. Department of Justice took a swipe at the city of Chicago's request that an Illinois federal judge block the federal government's new immigration-focused conditions on a public safety grant, saying it would effectively hand over control of the program to the city. Read more »

Dems Decry Withholding Of Grant Funds To Sanctuary Cities

Dozens of Democratic lawmakers decried new restrictions on violence prevention funds that they said were designed to coerce cities nationwide into complying with the Trump administration's immigration agenda, demanding in a Thursday letter to U.S. Attorney General Jeff Sessions that he defend the Department of Justice's legal authority to implement them. Read more »

NATIVE AMERICAN

Tribal-State Weed Deals Stay Hot In Spite Of Feds

Native American tribes are enjoying success with marijuana businesses launched under compacts with states where the drug has been legalized, and attorneys say those deals are likely to keep growing in popularity as tribes look to boost their bottom lines and ally with states as a bulwark against potentially unfriendly federal authorities. Read more »

Tribal Leaders 'Outraged' Over Rumored Monument Shrinkage

Pueblo of Zuni
Securities and Exchange Commission
Suquamish Tribe
U.S. Department of Defense
U.S. Department of Health and Human Services
U.S. Department of Homeland Security
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of Transportation
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. Immigration and Customs Enforcement
U.S. Navy
U.S. Patent and Trademark Office
U.S. Senate
U.S. Supreme Court
United States Court of Appeals for the Ninth Circuit
Ute Indian Tribe
Ute Mountain Ute Tribe
World Trade Organization

The Bears Ears Inter-Tribal Coalition expressed "outrage" Thursday over rumblings that U.S. Department of the Interior Secretary Ryan Zinke has recommended President Donald Trump scale back the Bears Ears National Monument. [Read more »](#)

TELECOMMUNICATIONS

ONE Media Urges FCC Not To Over-Regulate 'Next-Gen TV'

The Federal Communications Commission should avoid "over-regulation" as part of the deployment of the "next generation" broadcast television standard by looking to specify interference requirements instead of technical standards, ONE Media told commission officials on Thursday. [Read more »](#)

EXPERT ANALYSIS

Opinion-

Steel Imports Are Not A National Security Issue

House Ways and Means Committee Chairman Kevin Brady is right — this is not the right approach to deal with steel imports. And like it or not, using bogus claims of "national security" as a pretext for what amounts to naked protectionism will invite retaliation from our trading partners, says Donald Cameron of Morris Manning & Martin LLP. [Read more »](#)

EEOC Wellness Regs Ironically Join The Walking Dead

A Washington, D.C., federal court's recent decision in AARP v. U.S. Equal Employment Opportunity Commission puts employers in a difficult position. Under the agency's current circumstances, it seems reasonable to expect that it may take some time to even determine how it will proceed, says Frank Morris Jr. of Epstein Becker Green. [Read more »](#)

Sellers Are Not Liable For Independent Contractors' Calls

The Ninth Circuit's recent decision in *Jones v. Royal* found that a seller was not vicariously liable for calls made by a telemarketer in violation of the Telephone Consumer Protection Act. Sellers should review their contracts and make sure that their telemarketers are independent contractors in order to minimize their liability, says Patrick McLaughlin of Spencer Fane LLP. [Read more »](#)

Examining FDA Reauthorization Act Add-On Provisions

In addition to reauthorizing user fees, the recently enacted Food and Drug Administration Reauthorization Act amends the Federal Food, Drug, and Cosmetic Act to effect other reforms, some of which could have important implications for industry and the population at large, say attorneys with Latham & Watkins LLP. [Read more »](#)

6 Common Lateral Partner Myths Debunked

It's safe to say that while demand ebbs and flows for legal services, there will never be a shortage of opinions about lateral partner hiring, which is positive for the industry, as anything with such vital importance to careers should attract significant attention. However, there is a unique mythology that travels with the discussions, says Dan Hatch of Major Lindsey & Africa. [Read more »](#)

LEGAL INDUSTRY

How To Deal With Jerks In The Legal Profession

The exact number of jerks in BigLaw has never been established, but anecdotal evidence suggests there are at least a few. Here, mental health experts, life coaches and the author of a new book offer up four tips for dealing with difficult people in law. [Read more »](#)

Amended Chadbourne Gender Bias Suit Wins Grudging OK

A New York federal judge on Friday refused a motion to strike a second amended complaint in the gender discrimination suit against Chadbourne & Parke LLP, saying the additions the plaintiffs made to the complaint in excess of what had been directed did not prejudice the defendants. [Read more »](#)

Holland & Knight Gets Judgment Against Ex-Partner For Fees

Holland & Knight LLP secured a \$772,000 judgment in New York Supreme Court earlier this month against a former trusts and estates partner for unreturned legal fees stemming from his work as a guardian ad litem while at the firm. [Read more »](#)

Kirkland, NYC Charities Secure 'Sesame Street' Royalties

Kirkland & Ellis LLP's pro bono legal services helped 10 New York City charities secure almost \$600,000 in lump sum payments for royalties from the works of the late Tony Geiss, a screenwriter for "Sesame Street" and "The Land Before Time," among other children's classics. [Read more »](#)

Cuban American Bar Assoc. Zeroes In On Attys' Mental Health

After the suicide in June of a prominent Miami attorney rocked the local legal community, the Cuban American Bar Association is making mental health a focus, starting with an annual luncheon Friday that featured attorney Brian Cuban — brother of businessman Mark Cuban — to talk about his struggle with addiction and depression. [Read more »](#)

GC Cheat Sheet: The Hottest Corporate News Of The Week

A new report finds that President Trump's proposed corporate tax cuts are not likely to help workers, Delaware is the latest state to step up companies' data security obligations

and corporate counsel are renewing the push for diversity among their outside attorneys. These are some of the top stories in corporate legal news you may have missed last week. [Read more »](#)

In Case You Missed It: Hottest Firms And Stories On Law360

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

Podcast

Law360's Pro Say: Why Aren't Law Firms More Diverse?

On the latest episode of Law360's Pro Say podcast, the team discusses how the push for law firm diversity is stagnating, a massive verdict against Johnson & Johnson in a trial over the link between baby powder and cancer, and one firm that fired a partner with ties to a neo-Nazi record label. [Read more »](#)

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health policy institute of ohio



The Health Policy Institute of Ohio's newly updated **healthcare cost and quality data transparency resource page** includes federal, state and local-level healthcare cost and quality datasets, tools and reporting, as well as information on organizations setting healthcare quality standards.

In 2012, HPIO released its first **Health Data Transparency Basics** publication which provides an overview of the availability of transparent, accessible health data and discusses how access to information on price and quality impacts consumer choice, quality of care, healthcare spending and health outcomes. Due to growing interest in the topic, HPIO released a second iteration of the publication in 2016, **Healthcare Data Transparency Basics**, which explores the rationale for healthcare price transparency, the challenges it presents and potential policy approaches at the state level to increase transparency.

Nick Wiselogel, Vice President, Strategic Communications
Health Policy Institute of Ohio
614-545-0758

Columbus, Ohio 43215

Health Policy Institute of Ohio, 10 W Broad St,
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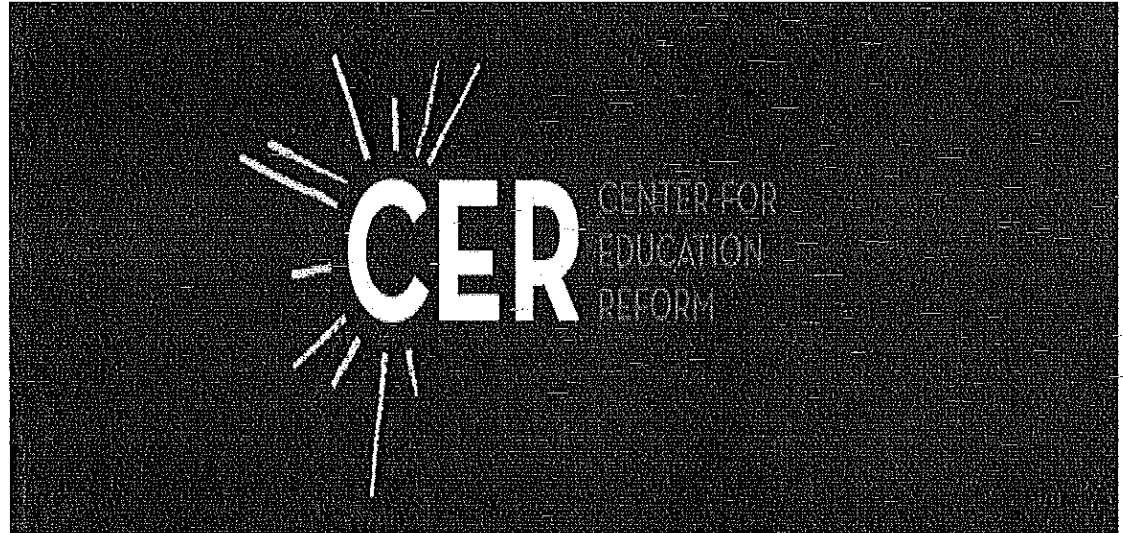
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= A



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A weekly report on education news & commentary from the nation's leading voice on education innovation and opportunity

MAKING LINCOLN PROUD. Tomorrow, August 30, at the Ball Charter School in Springfield, IL Governor Bruce Rauner (R-IL) is scheduled to sign into law path-breaking legislation creating the state's first tax credit scholarship program, part of the state's new education funding bill. The \$75 million tax credit scholarship program could serve as many as 20,000 students and will be the nation's largest first-year school choice program. Designed to help low and working-class families, the program is a result of a bipartisan compromise and demonstrates that even in the darkest of blue states, legislative leaders, with strong leadership from the Governor, can produce real results for kids.

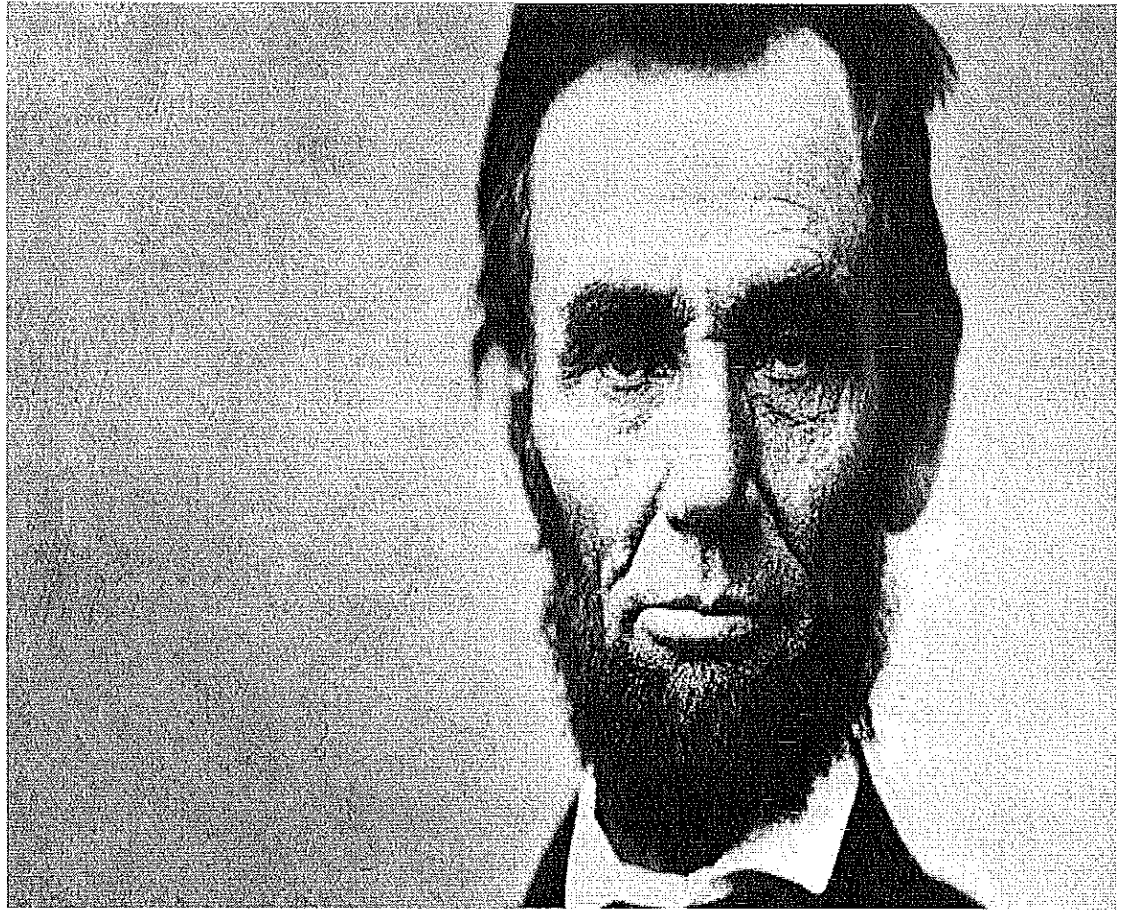
CER's Jeanne Allen issued the following statement:

"Illinois joins dozens of other states that have put partisanship aside to address the needs of thousands of students. Gov. Rauner, Speaker Madigan, Majority Leader Cullerton, and Republican Leaders Durkin and Brady all deserve applause for their leadership and commitment to children."

IL Secretary of Education Beth Purvis applauded the General Assembly, saying,

"Today the Illinois General Assembly passed historic education funding reform that will ensure that Illinois public schools are adequately and equitably funded. In addition, this legislation -- which is a direct result of Governor Rauner's School Funding Reform Commission -- provides school choice in the form of equitable funding for charter schools and tax credit scholarships."

For more information about the program, contact our friends at [OneChanceIllinois](#)



IN LINCOLN'S OWN WORDS.

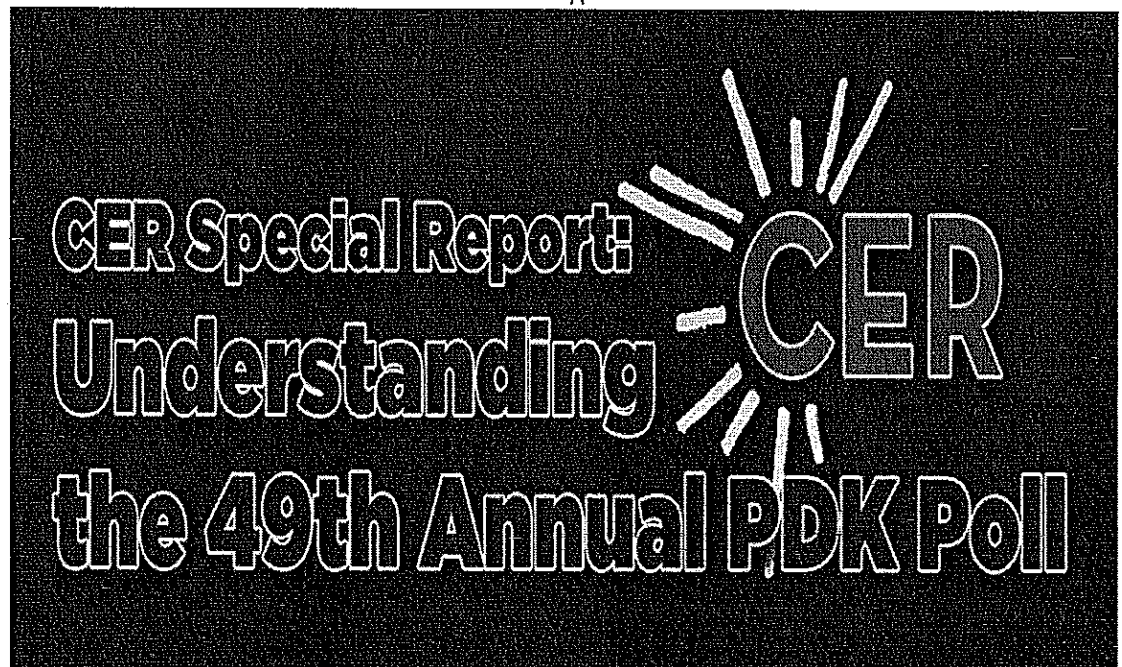
"Upon the subject of education, not presuming to dictate any plan or system respecting it, I can only say that I view it as the most important subject which we as a people can be engaged in. That every man may receive at least, a moderate education, and thereby be enabled to read the histories of his own and other countries, by which he may duly appreciate the value of our free institutions, appears to be an object of vital importance, even on this account alone, to say nothing of the advantages and satisfaction to be derived from all being able to read the scriptures and other works, both of a religious and moral nature, for themselves. For my part, I desire to see the time when education, and by its means, morality, sobriety, enterprise and industry, shall become much more general than at present, and should be gratified to have it in my power to

contribute something to the advancement of any measure which might have a tendency to accelerate the happy period."

- March 9, 1832, First Political Announcement

ANNUAL ATTITUDES. Sadly Lincoln's sentiment is not the theme of the 2017 PDK Poll of the Public= 2s Attitudes Toward the Public Schools, the headline of which is, "**Academic achievement isn't the only mission**" of public schools. If you take the questions and answers literally, Americans do indeed appear united in numerous ways in their belief that schools must prepare students more fully and broadly for life. But while that's the theme, it's not at all clear from this poll that they reject the value of knowledge as important for that preparation.

= A



Read CER's Special Report on the PDK poll to learn more about how to make sense of the latest in public opinion, and what you need to know to help all

students learn, in the words of Honest Abe, to "duly appreciate the value of our free institutions."

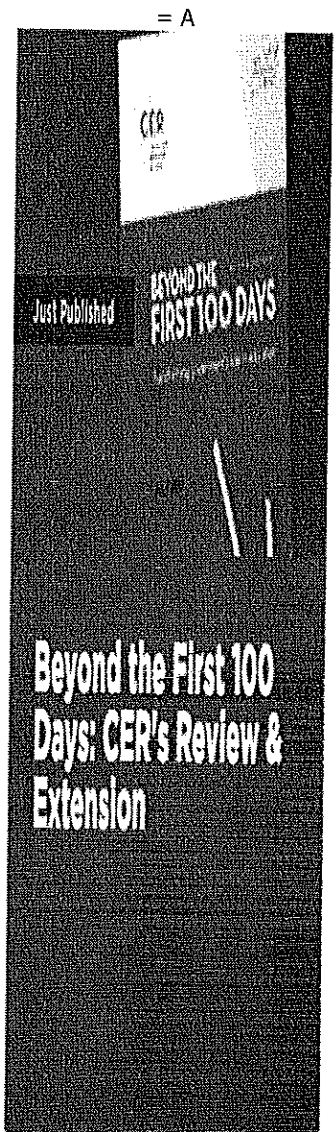
AND IN CASE YOU MISSED IT. Log onto EdReform.com for the latest on the AFT Chronicles or the ongoing effort by African-American leaders to show they have a different point of view on educational opportunity than many established organizations who claim to represent their views.



**CER Squares Off With
AFT & Randi
Weingarten**



**CER Board Members
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**Beyond the First 100
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Extension**